

ARTICLE 15

ORDINANCE STRUCTURE, INTERPRETATION AND DEFINITIONS

PART 1 15-100 ORDINANCE STRUCTURE

15-101 Appendix D of the County Code

The Zoning Ordinance as presented herein represents Appendix D of the Code of the County of Fauquier, Virginia.

15-102 Articles

For purposes of organization, Appendix D, The Zoning Ordinance, is divided into fifteen (15) Articles. The Article designation number is 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.

15-103 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.

15-104 Sections

Each part with the Zoning Ordinance is subdivided into Sections. Section designation numbers are 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.

15-105 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) . . . and (a), (b), (c).

15-106 Page Numbers

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

15-107 Referencing

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

. . . as required in Article 18.

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

. . . as required in Section 18-302.

. . . as required in Section 302 above (below)*.

. . . as required in Paragraph 1A(2) of Section 302 below.

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

15-108

Abbreviations

1. Zoning Districts, see Part 1 of Article 3.

C District: A Commercial Zoning District

I District: An Industrial Zoning District

R District: A Residential Zoning District

2. Overlay Zoning Districts, see Part 1 of Article 4.

3. General:

A. a. or ac.: Acre(s).

B. ANSI: American National Standards Institute.

C. ARB: The Fauquier County Architectural Review Board (see Part 3 of Article 14).

D. BZA: The Fauquier County Board of Zoning Appeals (see Part 2 of Article 14).

E. CIP: Capital Improvements Program (see Definitions).

F. dB: Decibel (see Definitions under NOISE).

G. DU or d.u.: Dwelling unit (see Definitions).

H. ft.: Foot or feet.

I. Incl.: Includes or including.

J. Max.: Maximum.

K. Min.: Minimum.

L. SCC: State Corporation Commission.

M. sq. ft.: Square foot (or feet).

N. VDOT: Virginia Department of Transportation.

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 of line.
8. The word "State" means the Commonwealth of Virginia. The word "County" means the County of Fauquier, 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," "Director of Community Development & Zoning," "Zoning Administrator," "Health Officer," and other similar offices shall mean the respective Boards, Commissions and Officers of Fauquier County and/or their 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; and the use of the term "Director" shall always mean the Director of Community Development and Zoning. The abbreviation VDOT shall always mean the Virginia Department of Transportation.
10. The term "the Code" means the Code of the County of Fauquier, Virginia.

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

ABATTOIR: A place where poultry, livestock or other animals for consumption are commercially slaughtered and where the meat may be cut, packaged, and/or processed.

ACCELERATION: See definitions under VIBRATION.

ACCESS, DIRECT: Where this term is used in a special permit and special exception standard, it may be employed by the Board or BZA flexibly, reflecting the type, scale and intensity of the proposed use, its traffic characteristics, the characteristics of the state maintained road to which the use will connect and the distance from this entrance to the nearest major collector or higher of other classification called for by the standard.

ACCESSORY SERVICE USE: Accessory service uses as permitted by this Ordinance are set forth in Part 2 of Article 6. 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 Section 6-203.

ACCESSORY USE: Accessory uses as permitted by this Ordinance are set forth in Part 1 of Article 6. 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 equaling to 43,560 square feet.

ADAPTIVE USE: Any use conducted in accordance with the provisions of Section 3-307 and Part 7 of Article 5; generally, the use of a structure built prior to 1940 for those uses identified in Part 7 of Article 5.

ADMINISTRATOR: The Fauquier County Zoning Administrator.

AFFORDABLE HOUSING: Housing constructed for sale or rent by households whose incomes are classified as low or moderate. Low income households are those with incomes that are sixty percent (60%) or less of the County median income. Moderate income households are those with incomes that are eighty percent (80%) or less of the County median income. The County median income shall be determined as defined below. The following additional definitions relate to affordable housing:

County Median Income-That income being in the middle of the Fauquier County incomes as determined by the United States Department of Housing and Urban Development (HUD) or other sources of information, approved by the Board of Supervisors, that provide such information. Such incomes are to be adjusted annually by HUD or other accepted sources. For affordable housing project developments provided under the provisions of this ordinance, the median county income level under which a development plan is approved shall be valid for a period of one year from the date of approval. If actual construction of housing has not started at the end of one year, the rate will be adjusted to the median income then in effect.

Market Rate Housing-Housing in a development that is not being provided exclusively for low and moderate income households.

AGRICULTURAL AND FORESTAL DISTRICT: A district created pursuant to Chapter 36 of the Code of Virginia.

AGRICULTURAL PRODUCTS: Crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, domesticated game animals, hogs, goats, horses, poultry, milk, honey, eggs, aquaculture and timber including Christmas trees.

AGRICULTURALLY RELATED USES, COMMERCIAL-2 ZONING DISTRICTS: The following uses are considered to be agriculturally-related when located within a Commercial-2 zoning district:

- a. Lumber yard with incidental retail sales of less than 5,000 square feet in size.
- b. Carpentry/plumbing/electrical/printing/welding/sheet metal shops, less than 5,000 square feet in size.
- c. Auto repair garage including motor vehicle impoundment yard screened from view with a maximum of ten (10) vehicles as an accessory use.
- d. Auto body painting establishment.
- e. Truck and heavy equipment sales, rental, and service.
- f. Wholesale trade establishment.

- g. Contractor's office, shops, and material storage yard, less than one acre in size.
- h. Animal shelter.
- i. Spectator and non-spectator field event activities, Classes A, B, and C.
- j. Kennel/Animal shelter.
- k. Veterinary clinic.
- l. Farm supply establishment.
- m. Taxidermy.
- n. Farm equipment sales, rental, and service.
- o. Commercial storage and processing of bulk agricultural products.
- p. Frozen food locker.
- q. Crop/Livestock farm.
- r. Horse farm.
- s. Truck farm.
- t. Plant nursery/Greenhouse, wholesale.
- u. Plant nursery/Greenhouse, retail.
- v. Forestry.
- w. Recreational vehicle storage area if totally screened from view
- x. Mini-storage warehouses.

AGRICULTURE: The use of a tract of land not less than five (5) acres for (a) the tilling of the soil, (b) the growing of crops or plant growth of any kind in the open, including forestry, (c) pasturage, (d) horticulture, (e) dairying, (f) floriculture or (g) raising of poultry and/or livestock.

The term agriculture shall not include the following uses: (a) the maintenance and operation of commercial greenhouses and hydroponic farms, (b) the operation or maintenance of a commercial stockyard or feed yard, (c) the manufacture, processing or storage of mulch made from off-site material or for commercial purposes, (d) the sorting and grading of logs and trees except where the logs and trees are from on-site or from adjoining properties, (e) the placement, storage, or disposal of excavated material in excess of the limits stated in Section 5-1816, to include only soil and rock brought onto a parcel where the material is not generated, unless subject to Section 5-1816. Furthermore, the definition of agriculture shall not be deemed to preclude (a) the keeping of livestock on parcels as permitted by Section 2-512, or (b) gardening as permitted as an accessory use in Section 6-102. Provided, however, subsection (c) of this above provision shall not apply to applications received by the Department of Community Development on or before March 17, 2003.

AGRICULTURE-RELATED ACTIVITIES: The specific activities listed below that are advertised, managed and run by the farmer who owns or resides on the particular farm where such activities are occurring, and which are designed to promote the raw agricultural commodities produced on the farm where such activities are occurring, or the Value-Added Agricultural Products having at least 50% content produced on such farm:

- (i) Seasonal promotions related to agriculture;
- (ii) corn mazes;
- (iii) hay rides;
- (iv) agricultural demonstrations;
- (v) meetings of agricultural groups;
- (vi) agriculture-related lectures or classes; and
- (vii) farm tours.

AIRPORT: For the purposes of the Airport Safety and Impact Overlay District: the Warrenton Fauquier Airport and the Culpeper Regional Airport.

AIRPORT ELEVATION: The highest point on any usable landing surface expressed in feet above mean sea level.

AIRPORT ZONE: A zone that is centered about the runway and primary surface of the airport, with the floor set by the horizontal surface.

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: Any facility containing more than four of the following items in a condition suitable for their intended use: pool, billiard or similar table; pinball machines, bowling, foosball, shuffleboard or similar game; electronic or video game; or any similar game or entertainment device.

ANIMALS: See Livestock; Pets, Commonly Accepted

ANIMAL SHELTER (GOVERNMENTAL): As differentiated from a KENNEL as defined herein, any place so designed to provide for the temporary accommodations and/or disposal of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated, and operated by a governmental agency.

ANIMAL UNIT: An animal unit is the equivalent of 1,000 pounds of live animal weight. Thus, a 1,200 pound dairy cow would be 1.2 animal units and a 200 pound hog would be .2 animal units. For purposes of this ordinance, the following shall be deemed equivalent to one animal unit at maturity: 1 cow, 1 bull, 1 horse, 2.5 sows (swine), 2 boars (swine), 5 ewes (sheep), 3.75 rams (sheep), 6 goats, 3 llamas, 6 alpacas, 3 ostrich, 7 emus, 11 rheas, 75 chickens, 35 turkeys.

ANIMAL WASTE STORAGE FACILITY: Any pit, tank, lagoon or place where animal waste in excess of 20 cubic yards is stored.

ANNUAL FARM SALES REVENUE: The aggregate gross revenue from all sales on the farm, including raw agricultural products produced on or off the farm, Value-Added Agricultural Products produced on or off the farm, sales of goods from any processing facility located on the farm, revenue from

Agriculture Related Activities and revenue from Incidental Farm Related Promotional Items.

APPROACH SURFACE: A surface, longitudinally centered on the runway centerline, existing outward and upward from the primary surface, whose design standards are set forth in Part 77, Subchapter E (Airspace) of the Title 14 of the Code of Federal Regulations or in successor federal regulations.

APPROACH ZONE: A zone that extends away from the runway ends, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

AQUACULTURE: The growing and harvesting of plant or animal organisms in a natural or artificial aquatic situation, to include AQUAPONICS. AQUACULTURE shall be considered a CLOSED SYSTEM when it does not connect to or discharge to the natural environment.

AQUAPONICS: The symbiotic cultivation of plants and aquatic animals in a recirculating environment.

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

ARTISAN'S WORKSHOP AND STUDIO: An establishment for the preparation, display, and sale of crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, photographs, paintings, and other articles of artistic quality or handmade workmanship.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather and upon which more than two (2) motor vehicle trailers or semi-trailers of any kind which are "inoperable" or "junk vehicles" are placed, located or found.

AUTOMOBILE SERVICE STATION: See SERVICE STATION.

AUTO REPAIR GARAGE: A building, structure, enclosure or premise in or on which the general business of servicing or repairing motor vehicles is conducted, including, but not limited to, engine rebuilding or reconditioning, upholstering, radiator reconditioning and repair, and similar industrial processes, such as small engine repair. Incidental servicing of motor vehicles, such as tires and audio installation is permitted.

AVIARY: A place for keeping birds confined for the purpose of raising, exhibiting, or selling.

AVIGATION EASEMENTS: An easement of dedication between property owners and a licensed, public airport granting the right of flight to pass over the property as a means of securing the long-term economic viability of the public airport.

BARN: A structure used in conjunction with an agricultural use, which may include the housing of livestock and/or storage of fodder.

BIOSOLIDS: Sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with this chapter.

BLACKSMITH SHOP: A Blacksmith Shop is a shop where an artisan forges and shapes iron with an anvil and hammer.

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) 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 centerline of a drainage channel thirty (30) feet or more in width.

BOARDING HOUSE: See TOURIST HOME.

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

BUILDING, ACCESSORY: See ACCESSORY USE.

BUILDING FRONT: That one (1) face or wall of a building which is architecturally designed as the front of the building which normally contains the main entrance(s) for use by the general public.

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

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 provisions controlling (a) minimum building height, (b) lot coverage, (c) minimum yard requirements, and (d) minimum landscaped green space.

BUSINESS OFFICE: See OFFICE, BUSINESS.

CAMP OR RECREATION GROUND: An area or premise 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 devices. A campground 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 CABIN: A small single story permanent or modular structure designed for transient or seasonal occupancy.

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

CAMPING UNIT: Any tent, camping trailer, camping cabin, recreational vehicle or similar structure established or maintained and operated within a camp, tent campground or recreational vehicle park.

CAMPSITE: An area of land within a camp, tent campground or recreational vehicle park/campground intended for the exclusive occupancy and use by a camping unit.

CANDLE: See definitions under GLARE.

CAPITAL IMPROVEMENTS PROGRAM: A document adopted by the Board in accordance with 15.2-2239, Code of Virginia, and abbreviated CIP.

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

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

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

CHURCH: See PLACE OF WORSHIP.

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 sideshows.

CLUSTER SUBDIVISION/DEVELOPMENT: See SUBDIVISION, CLUSTER.

CODE OF VIRGINIA: The Code of Virginia, 1960, as amended.

COLLEGE OR UNIVERSITY: Any public or private institution providing education above the secondary school level which leads to a degree.

COMMERCIAL BREEDING: Any facility where dogs or cats are kept for the primary purpose of the sale of their offspring.

COMMERCIAL HUNTING OR FISHING PRESERVE: An area of land upon which a fee is charged for public or private hunting or fishing and upon which game or fish are grown or stocked for fee specifically for hunting or fishing thereon.

COMMISSION: The Fauquier County Planning Commission (See Part 1 of Article 14).

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

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 statement and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

CONCEPT DEVELOPMENT PLAN (CDP): A submission requirement for rezoning applications which depicts the layout and/or design of a development, including phasing. The CDP, which is a component of the Development Plan required for a rezoning to a Planned Development district, may include both visual and written representation of the proposed development. An approved CDP becomes binding on all current and future owners of the land and may be amended only through the rezoning process.

CONDOMINIUM: Ownership of single units in a real estate project having common elements and four (4) or more apartments, rooms, office spaces, dwellings or other units, whether such units are located in a multiple unit structure or attached to or detached from other units. Ownership 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) including the land and its appurtenances.

CONFERENCE/CONVENTION CENTER: The necessary facilities to accommodate conventions or large meetings including retail or commercial establishments necessary to serve the people using such facilities.

CONICAL SURFACE: A surface, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

CONICAL ZONE: A zone that circles around the periphery of the horizontal zone whose design standards are set forth in Part 77, Subchapter E (Airspace) of the Title 14 of the Code of Federal Regulations or in successor federal regulations.

CONSTRUCTION, COMMENCEMENT OF: Progress in the construction of a structure sufficient to be approved in a footing inspection by the County's Building Inspector.

CONTINUING CARE FACILITY: This type of facility may consist of three (3) types of care, or any one or two types:

- a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Such facilities may include as an integral part accessory commercial and other facilities and uses primarily for the use of residents and their guests, including but not limited to beauty shop, pharmacy, banking facilities, gift shop and similar facilities.

CONTRACTOR'S OFFICES, SHOPS AND MATERIALS STORAGE YARDS: Establishments for the construction and/or repair of buildings, roads and utility lines; installation and servicing of heating, cooling and electrical equipment; flooring, painting, plumbing, roofing, and tiling; landscaping; pest control; excavating, and other similar businesses as determined by the Zoning Administrator.

CONVENIENCE STORE: Stores offering for sale groceries and other articles normally found in grocery stores and having not more than 3,000 square feet gross floor area.

CONVENTIONAL SUBDIVISION: See SUBDIVISION CONVENTIONAL.

CORNER LOT: See LOT, CORNER.

COTTAGE INDUSTRY: A small, low-intensity manufacturing or processing business located outside of an industrial area that operates without altering the rural or residential character of the neighborhood. Products are made in small quantities or batches, primarily by hand or using traditional methods, and generate low traffic volumes and no noise, smoke, odor, dust, glare or vibration detectable off the property.

COVENANT: A written agreement recorded in the land records of Fauquier County, Virginia, concerning the use, development or maintenance of a parcel of land or improvements thereto.

COVERAGE, LOT: See LOT COVERAGE.

CUL-DE-SAC: A circular turnaround at the end of a street.

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

DAIRY FARM: An operation involved in the production of milk and including the keeping of more than five (5) animals.

DAY CARE CENTER, ADULT: A facility as defined in Section 63.2-100 of the *Code of Virginia* that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

DAY CARE CENTER, CHILD: A child day care center as defined in Section 63.2-100 of the *Code of Virginia* offered to (i) 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 (ii) 13 or more children at any location.

DAY HOME, FAMILY: A child day care program as defined in Section 63.2-100 of the *Code of Virginia* offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

DEAD-END STREET: A street, one end of which is closed and has an appropriate turnaround for a safe and convenient reverse of traffic movement.

DECIBEL: See definitions under NOISE.

DEDICATED OPEN SPACE: See OPEN SPACE, DEDICATED.

DENSITY: The number of dwelling units per acre.

DEVELOPER: The legal or beneficial owner or owners of all the land proposed to be included in a given development or the authorized agent thereof. An owner of property being subdivided whether or not represented by an agent. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, 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: Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations; or storage of equipment or materials.

DEVELOPMENT, MINIMUM SIZE: The smallest contiguous area allowed to be developed, including permanent open space or minimum

landscaped green space, as part of one construction project with improvements bonded to be completed within not more than five (5) years.

DEVELOPMENT PLAN: A required submission for the approval of a rezoning application for a Planned Development or other Special Development District in accordance with the provisions of Article 4. The Development Plan shall consist of a Concept Development Plan and other plans and documents which may include, but not be limited to, proffer statements, dedications, contributions and design standards. The approved Development Plan governs the development of the property and is binding to all current and future owners of the property.

DIRECTOR: An appointed County official who serves as the Director of Community Development or his or her designee.

DIRECT SALES: The direct personal presentation, demonstration, marketing and selling of products and/or services directly to consumers away from a fixed retail location. Products are sold primarily through in-home product demonstrations, parties and one-on-one selling, typically at the residence of the seller or a consumer. For the purpose of this Ordinance, direct sales shall not include RETAIL SALES, as defined herein, or the sale and/or transfer of firearms from a residence.

DISPLACEMENT: See definitions under VIBRATION.

DISTRIBUTION CENTER: Facility used for receipt, temporary storage, and redistribution of goods as they are received.

DISTRICT: (1) A zoning category into which an area of land is placed (zoning district), (2) a contiguous area of land all in the same zoning category.

DISTRICT, COMMERCIAL: A C-1, C-2, C-3 or CV Zoning District.

DISTRICT, INDUSTRIAL: An I-1 or I-2 Zoning District.

DISTRICT, MINIMUM SIZE: The smallest contiguous amount of land which can be rezoned to any zoning district unless the area to be rezoned is contiguous to an area already in the same zoning district as that proposed.

DISTRICT, RESIDENTIAL: A Village (V), R-1, R-2, R-4, Townhouse (TH), Garden Apartment (GA), or Mobile Home (MHP) Zoning District.

DISTRICT, RURAL: A Conservation (RC), Agriculture (RA), or RR-2 Zoning District.

DISTRICT, SPECIAL DEVELOPMENT: A Planned Residential District (PRD) or other special districts as provided for in Article 4.

DOG KENNEL: See KENNEL.

DRIVE-IN ESTABLISHMENT: A place of business so laid out that patrons can be accommodated while remaining in their automobile or vehicle.

DRIVE THROUGH FACILITY: A place of business shall be considered to have a drive through facility if it is so laid out that patrons can be accommodated while remaining in their automobile or vehicle. For the purpose of this ordinance, a VEHICLE WASH shall not be considered a drive through facility.

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 street.

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, and to be maintained in good condition at all times.

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, DUPLEX: A single structure containing two dwelling units.

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 for one (1) family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation, abbreviated "DU" or "d.u."

DWELLING UNIT, LOW AND MODERATE INCOME: A dwelling unit satisfying the standards set forth in the Fauquier County Board of Supervisors Policy on Housing Low and Moderate Income Families.

DWELLING, MANUFACTURED HOME: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on 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, a manufactured home shall not be deemed a single family detached dwelling.

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 furniture, 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 two (2) 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 supplements 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 MANUFACTURED 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 and occupied by not more than one (1) family.

DWELLING, SINGLE FAMILY ATTACHED: A group of two (2) or more single family dwelling units which are joined to one another by a common party wall, a common floor-ceiling, whether or not such a group is located on a single parcel of ground or an adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than three (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 a semi-detached garden court dwelling, quadruplex, triplex, patio house and townhouse shall be deemed a single family attached dwelling.

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

EASEMENT: A grant by a property owner of the use of land to another party for a specific purpose or purposes.

EATING ESTABLISHMENT: Any restaurant, coffee shop, cafeteria, short-order cafe, lunchroom, luncheonette, hotel dining room, dinner theater, tavern, sandwich stand, soda fountain, eating place or any other establishment maintained and operated where there is furnished for compensation food or

drink of any kind for consumption primarily therein; provided, however, that an eating establishment qualified as an automobile-related use shall not be included within the meaning of this definition, and that a snack bar or refreshment stand at a public or nonprofit recreational facility, operated solely by the agency or group operating the recreational facility for the convenience of patrons of the facility, shall not be deemed to be an eating establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment. For the purpose of this Ordinance, such uses shall not include EATING ESTABLISHMENTS, FAST FOOD.

Dancing by patrons shall be considered as entertainment which is provided for the enjoyment of 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 not be considered a "Dance Hall."

EATING ESTABLISHMENT, FAST FOOD: Any restaurant, short-order cafe, lunchroom, sandwich stand, eating place or any other establishment maintained and operated where there is furnished for compensation food or drink of any kind, characterized by over-the-counter service of pre-prepared or quickly prepared food which is ready for consumption either on or off premises. Such uses shall be characterized as being automobile-related and shall include drive-in restaurants.

EATING ESTABLISHMENT, MOBILE: A licensed, motorized vehicle or mobile food preparation unit which is temporarily operated on a privately, or publicly, owned lot where food items are sold to the general public.

ELECTROMAGNETIC RADIATION: Electromagnetic waves utilized in application for 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 licensed with the State Department of Professional and Occupational Registration as a professional engineer.

EQUESTRIAN EVENTS: Exhibiting, judging, showing or racing of horses where spectators are reasonably anticipated, to include field events and to include HORSE SHOWS in districts other than RA.

EQUESTRIAN INSTRUCTION: Riding instruction 1) not accessory to a HORSE FARM or 2) involving more than ten (10) students in any week. Training events related to the on-site instruction shall be allowed as accessory to this use.

EVENT FACILITY: Building space utilized to host gatherings of people for activities such as parties, weddings, receptions, demonstrations, or other similar activities. The gatherings may be hosted by the owner or proprietor of the facility or the facility may be leased to private parties for such activities. An EVENT FACILITY may include on-site kitchen/catering facilities.

EXPLOSIVES: Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B or Class C explosives by Department of Transportation Regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, slurries, emulsions, water gels, blasting agents, blasting caps, electric blasting caps, safety fuse, fuse igniters, squibs, conreau detonate fuse, instantaneous fuse, igniter cord and igniters.

FAIRGROUNDS: A place where the County Fair is held, as well as utilized as a meeting hall for social, fraternal, civic, public and similar organizations; utilized as an event venue for spectator and non-spectator field events and activities such as equestrian events and field sports, concerts, tractor pulls, rodeos, scholastic athletic contests, festivals, arts and craft shows, and related fundraising for charitable or non-profit activities, family reunions, wedding receptions and similar receptions, picnics, educational seminars, and community-related arts, cultural, agricultural, and educational activities; and utilized as a farmers' market.

FARM EQUIPMENT SALES, RENTAL AND SERVICE

ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or service of vehicles in operating condition and non-vehicular equipment designed specifically for agricultural purposes whether for use on a farm or in the transportation of farm products, but shall not include buildings. For the purpose of this Ordinance, farm equipment sales, rental and service establishments shall not include SALES, RENTAL AND SERVICE OF AUTOMOBILES, MOBILE HOMES OR TRUCKS AND HEAVY EQUIPMENT, as defined herein, but may include farm equipment parts and accessory sales where installation of parts is a distinct feature of the business, and body and paint work, when ancillary to sales or repair shops.

FARMER'S MARKET: The use of any tract of land in a rural zoning district for the retail sales of agriculture products, horticultural products, aquicultural products and hand made crafts.

FARM WINERY DEFINITIONS:

ABC BOARD: The Alcoholic Beverage Control Board of the Commonwealth of Virginia.

CATERED FOOD: Food that has been prepared by a CATERER, or is served from a FOOD CART, in either case with a valid HEALTH DEPARTMENT permit.

CATERER: An individual or business holding a valid HEALTH DEPARTMENT license that allows catering, where such individual or business operates a "food service establishment" meeting all applicable HEALTH DEPARTMENT requirements at a location remote to a FARM WINERY, with only final preparation and serving being conducting ON-PREMISES at the FARM WINERY.

CLOSING TIME: The hour by which THE NORMAL COURSE OF BUSINESS and all SPECIAL EVENTS are concluded, and all customers or attendees have departed.

EXTENDED BUSINESS HOURS: An extension of operating hours beyond REGULAR BUSINESS HOURS, granted by the Zoning Administrator through an Administrative Permit, which extends the hours that a FARM WINERY may be open to the public.

FARM WINERY: An agricultural use licensed as a “farm winery” pursuant to, and as defined in the Code of Virginia Section 4.1-100, with a current Zoning Permit for a farm winery issued by the County, and actually growing and harvesting grapes on the “farm” as defined in the Code of Virginia Section 4.1-219 and operating as a “farm winery” pursuant to Virginia Code Section 4.1-219.

FOOD CART: A mobile food unit as defined in the Virginia Administrative Code 12VAC5-421-10 that is licensed by the HEALTH DEPARTMENT that is allowed to reside ON-PREMISES at a FARM WINERY only during the time it is actually serving food during REGULAR BUSINESS HOURS, EXTENDED BUSINESS HOURS, or in conjunction with an approved SPECIAL EVENT.

HEALTH DEPARTMENT: The Department of Health of the Commonwealth of Virginia, including its local office in the County.

LIGHT ACCOMPANIMENTS: Food, to accompany WINE TASTING AND CONSUMPTION, that meets the exemption criteria from the definitions of “Food Establishment” and “Potentially Hazardous Food” in the food regulations of the Virginia Administrative Code, 12 VAC 5-421.10, and without the issuance of any “temporary food establishment permit” (as defined therein).

NORMAL COURSE OF BUSINESS: The day-to-day operations of a FARM WINERY which include, or are accessory to, the production and harvesting of grapes and the manufacture of wine, (a) as specifically enumerated in (a) Section 15.2-2288.3(E) of the Code of Virginia, or (b) as specifically enumerated in Section 6-401 of this Ordinance.

ON-PREMISES: Located on the parcel of real property on which a licensed FARM WINERY is physically located and conducting its NORMAL COURSE OF BUSINESS.

REGULAR BUSINESS HOURS: The daily time period during which a FARM WINERY may be open to the general public, extending from 10:00 a.m. until 6:00 p.m.

SPECIAL EVENT: A FARM WINERY activity or event that meets any one or more of the following three criteria:

- a. CATERED FOOD is served, including service from a FOOD CART;

- b. The number of invited or ticketed attendees is 150 or greater; or
- c. The activity takes place after REGULAR BUSINESS HOURS.

WINE TASTING AND CONSUMPTION: Sampling, by the general public, of wines and the purchase of wine by the glass or bottle to drink ON-PREMISES at a FARM WINERY.

WINE-RELATED ITEMS: Items for retail sale at a FARM WINERY that may be used in connection with the serving, storing or display of wine, or written material describing wine or food or the experience of consuming the same, or items of apparel displaying the name and/or logo of the specific FARM WINERY at which such items are being sold.

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.

FINANCIAL INSTITUTION: Any building wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies.

FIRING RANGE, SKEET or TRAPSHOOTING: The use of a structure or land for the discharging of firearms for the purposes of target practice, skeet and trap shooting. Accessory uses, such as the production and sale of firearm accessories and gunsmithing, are permitted provided they are clearly subordinate, except that the retail sale of firearms shall not be permitted as an accessory use unless specifically authorized by the Board of Supervisors in the approval of the Special Exception.

FLOODPLAIN: All lands subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the floodplain shall be the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) issued under the National Flood Insurance Program (February 6, 2008, and the most recent revisions thereto as promulgated by DHS/FEMA).

FLOODWAY: The channel of the watercourse and the adjacent land areas that, if kept free of encroachment, will carry the 100-year flood without an increase in flood height at any point in excess of one foot, regardless of encroachment in areas not within the floodway. For the purpose of this Ordinance, the floodway of any stream shall be that delineated therefore in the applicable current Flood Insurance Rate Maps issued under the National Flood Insurance Program, or in areas not covered by such a map, areas similarly delineated in an engineering study approved by the Board.

FLOOR AREA, GROSS: The sum of the total horizontal areas of the several floors of all buildings on lots, measured from the interior faces of

exterior walls. The term "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; 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.

The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be computed by counting each ten (10) feet or height or fraction thereof as being equal to one (1) floor.

The term gross floor area shall not include cellars or 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 and rooftop mechanical structures are excluded from gross floor area.

FLOOR AREA, NET: The sum of the total horizontal areas of the several floor of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers 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.

FLOOR AREA RATIO (FAR): A number or percentage, derived by dividing the gross floor area of the building on any lot by the lot area. The floor area ratio multiplied by the lot area produces the maximum amount of floor area that may be constructed on such lot.

FOOT-CANDLE: See definition under GLARE.

FOOT LAMBERT: See definition under GLARE.

FORESTRY: The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

FREQUENCY: See definitions under VIBRATION.

FRONT YARD: See YARD, FRONT.

FRONTAGE: The distance along which a lot abuts a public street. Where a strip of land owned by the County for purposes of a trail is located between a lot and a public street, such land will be considered part of the public street for the purpose of calculating FRONTAGE.

FUEL YARD: A facility for the sale of firewood, coal and other similar solid substances to be used for heating; and include wholesaling and distribution.

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.

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

GASOLINE STATION: See SERVICE STATION.

GLARE: A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance and visibility. The following terms are defined as they relate to the provisions of Part 9. of Article 9:

- **CANDLE:** The luminous intensity of one (1) standard candle.
- **FOOT-CANDLE:** The unit of illumination. The illumination on a surface one (1) square foot in area where there is a uniform distribution of light having a candle power of one (1) candela.
- **FOOT LAMBERT:** A unit of brightness equal to the brightness of a uniform diffusing surface which emits or reflects one (1) lumen per square foot.
- **ILLUMINATION:** The density of luminous energy falling upon a surface, usually measured in foot-candles.
- **INTRINSICALLY BRIGHT SOURCES:** A source of light of extremely high intensity.
- **PHOTOMETER:** An instrument for measuring the intensity of light.
- **WATT:** A unit of electrical power.

GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customarily found thereto.

GOLF DRIVING RANGE: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

GOLF PRACTICE FACILITY: A facility similar to a conventional golf course, but considerably smaller in size and primarily used for the teaching and practice of the game of golf. The course is centered around target greens from which the golf player practices stroke control, accuracy, and short game

techniques. Such a facility may include a driving range as part of the overall course.

GOVERNMENTAL FACILITIES-COUNTY: A piece of ground and/or various buildings provided and kept for use by the general public for the location and provision of a combination of County governmental functions and/or community activities. Uses may include the following.

- 1) Offices and/or facilities for general County governmental functions which may include but are not limited to such uses as sheriff/county detention, library and human services;
- 2) Athletic and nonathletic activities, classes, meetings, or other similar programs, under the general direction of the County;
- 3) Passive recreational uses which may include picnic areas, trails, and other similar uses.
- 4) Museum.
- 5) Technical School, Indoor
- 6) Technical School, Outdoor

GRADE: The lowest point at which a building's exterior walls meet the finished ground level.

GRADE, AVERAGE FINISHED: This term shall mean a reference plane representing the average elevation of finished ground level adjoining the building or structure at all exterior walls.

GUNSMITHING: The making and repairing of firearms.

HAZARD TO AIR NAVIGATION: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

HEIGHT: For the purposes of determining the height limits in all zones set forth in the overlay district, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

HEIGHT, BUILDING: The vertical distance between the AVERAGE FINISHED GRADE and 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.

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.

HORIZONTAL SURFACE: A horizontal plane, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HORIZONTAL ZONE: A zone established at one hundred fifty (150) feet above the airport elevation, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

HORSE FARM: A place where horses are kept for breeding, boarding, sale, and/or training, to include accessory instruction for no more than ten (10) students in any week. Training events shall be allowed as part of such on-site instruction.

HORSE SHOW: An EQUESTRIAN EVENT 1) where the riding and showing occurs within a confined area such as a ring or arena, and 2) where spectators are non-paying and typically comprised of families and friends of the participants.

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 care.

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 hotel, inn, automobile 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 on a more-or-less permanent basis, such as an apartment hotel. It shall not include business or sales from rooms.

ILLUMINATION: See definition under GLARE.

IMPACT: See definition under VIBRATION.

IMPACT NOISE: See definition under NOISE.

IMPACT NOISE ANALYZER: See definition under NOISE.

INCIDENTAL FARM-RELATED PROMOTIONAL ITEMS: Farm-related, artisanal (home or farm produced in Virginia), or refreshment items that are not either raw agricultural commodities or Value-Added Agricultural Products, but are sold or provided on the farm as a convenience to a farm's customers who are visiting such farm either (i) to purchase agricultural commodities or Value-Added Agricultural Products, or (ii) to participate in permitted Agriculture-Related Activities.

INDOOR SPORTS/ACTIVITY CENTER: An indoor facility, with or without seating for spectators, that provides accommodations for a variety of individual or organized sports and recreational activities, including but not limited to amusement arcades, billiard/pool halls, bowling alleys, basketball, batting cages, fitness centers, gymnastics, handball, health clubs/spas, ice hockey, paintball, racquetball, soccer, swimming pool, tennis, trampoline and volleyball. Such facilities may include accessory facilities and uses including but not limited to coaching/teaching, day care facilities, eating establishments, events, meetings and meeting rooms and retail sales.

INDUSTRIAL USE, GENERAL: Those industrial uses not separately listed in Section 3-300 and not meeting the defining characteristics for a Heavy Industrial Use as set forth in Section 5-1703 but also including CONTRACTOR'S OFFICES, SHOPS and MATERIAL STORAGE YARDS.

INDUSTRIAL USE, HEAVY: Those industrial uses deemed to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, hazardous materials, or other cause, to include those uses specifically set forth in Section 5-1703 and any similar use as determined by the Zoning Administrator.

INDUSTRIAL USE, LIMITED: Enclosed laboratories and facilities for manufacturing, assembling, research and development. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

INOPERABLE VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable but which is economically feasible to restore to operable condition, provided that such vehicle, trailer or semi-trailer shall be considered to be an inoperable vehicle:

1. If the license plate and/or required inspection sticker is expired.
2. If neither valid license plates nor a valid inspection decal is displayed.
3. Any motor vehicle which has been partially or totally disassembled for a period of 60 days or longer by the removal of tires and wheels, the engine or other essential parts required for operation of a vehicle.

INTERMENT USES: The burial of the remains of humans or animals, to include mausoleum, columbarium, cemetery, memorial garden and crematorium.

JUNK VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable and which, by virtue of its condition, cannot be restored economically to operable condition, provided that such vehicle, trailer or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than six (6) months, excluding farm vehicles which do not require same.

JUNKYARDS: The use of any space 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 Section 6-102. A junkyard shall also be inclusive of an AUTOMOBILE GRAVEYARD as defined herein.

KENNEL: Any establishment where dogs or cats are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, showing, grooming or any other commercial or economic venture. Additionally, dogs kept for non-economic purposes in excess of the number allowed pursuant to Section 2-512 shall also be classified as a KENNEL. Rescue operations shall also be classified as a KENNEL, except those run by a government entity or operated for the same purpose under a contract with a government entity shall be classified as an ANIMAL SHELTER.

KENNEL, MAJOR: A KENNEL meeting any of the following thresholds: 1) any KENNEL where COMMERCIAL BREEDING occurs and more than 30 dogs are kept at any one time; 2) any KENNEL where COMMERCIAL BREEDING occurs and more than 10 litters of dogs and cats combined are produced in a single year; 3) any KENNEL where more than 30 dogs or 30 cats are kept overnight; 4) any KENNEL where more than 60 dogs or 60 cats are kept at one time. For purposes of this definition, dogs and cats less than 6 months in age shall not be counted.

KENNEL, MINOR: Any KENNEL not meeting the definition of KENNEL, MAJOR.

LAND SURVEYOR: An professional who is licensed by the State of Virginia as a land surveyor.

LANDING STRIP: Noncommercial private facility for use by owner and guests (helicopter or fixed wing).

LANDSCAPE ARCHITECT: A professional who is licensed to practice as such by the State of Virginia.

LANDSCAPED GREEN SPACE: The 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 for a general appearance of openness. Landscaped green space may include but need not be limited to, lawns, decorative planting, flower beds, sidewalks/walk-ways, 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.

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

LDN AIRCRAFT NOISE CONTOURS: Lines located around an airport denoting aircraft noise levels, expressed as a weighted day-night average sound level measured in decibels.

LDN 65 NOISE CONTOUR: The aircraft noise contour wide used to delineate a line of significant noise impact. The Federal Aviation Administration has designated this as a standard for delineating compatibility of residential uses with airports.

LIVESTOCK: Animals, 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.

LIVESTOCK EXCHANGE: A place of business in which the public may consign livestock for sale by auction open to public bidding, or sold on a commission basis. Such use shall include those accessory uses, such as an eating establishment, for which service is generally provided for the convenience of patrons of the primary use itself.

LOADING SPACE: Off-street space designated in accordance with the provisions of Part 2 of Article 7, for the loading or unloading of goods.

LOT: A parcel of land legally recorded as a lot of record in the County's land records. In cases where a legally recorded lot was split by a public street prior to the adoption of the County's first subdivision ordinance on August 3, 1951, each separate portion of such parcel shall be considered a lot.

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, 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.

LOT COVERAGE: Determined by dividing that area of a lot 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 or approach to the main building.

LOT LINE, REAR: The 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.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line as defined herein. On a corner lot, both lot lines which intersect street lines are side lot lines.

LOT, PIPESTEM: A lot approved in accordance with the provisions of Section 2-406 which does not abut a public street other than by its driveway which affords access to the lot. The pipestem is that part of a lot which affords access and is less in width than the minimum lot width in the district in which located.

LOT, REGULAR-SHAPED: A lot which meets the requirements of Section 2-401.B.

LOT, REVERSE FRONTAGE: A 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, also established to limit the minimum size and dimensions of a lot in a given zoning district.

LOT, THROUGH: An interior lot (not a corner lot) abutting on two (2) or more public streets 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 horizontal distance between the side lot lines. The distance between side lot lines shall be measured along the front lot line, except in the following cases:

1. In the case of a pipestem lot, the pipestem shall not be considered as part of the lot in determining the lot's width, but shall be measured at the minimum front yard line; or
2. In the case of a lot which has a curvilinear front lot line, the width shall be measured from a line tangent to the required minimum front yard line at its midpoint in the lot.

LOW IMPACT DEVELOPMENT: Low Impact Development (LID) is a design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of

storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of run-off flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, floodplains, woodlands, and highly permeable soils.

LOW INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fauquier County Board of Supervisors' Policy on Low and Moderate Income Families.

MARINA: A facility designed and operated for profit or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, fueling facilities and boat storage or any combination of these are provided.

MEDICAL CARE FACILITY: Any institution, place, building or agency, whether 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 nonrelated mentally or physically sick or injured persons, or for the care of two (2) or more nonrelated 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, intermediate care facility, extended care facility, health maintenance organization, mental hospital, mental retardation 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 physicians' office or first-aid station for emergency medical or emergency surgical treatment.

MEDICAL CARE FACILITY, MAJOR: A medical care facility with accommodation for 20 or more in-patients.

MEDICAL CARE FACILITY, MINOR: A medical care facility with accommodations for less than 20 in-patients.

MINING: The process by which stone, coal, sand, gravel, oil, gas, minerals or ore is removed from any surface or underground workings and produced for sale, exchange or commercial use and all shafts, slopes, drifts or inclines leading thereto and including all buildings, roads, structures, equipment or materials above and below the surface of the ground used in connection with or related to such process. Quarrying shall be considered as an activity within the definition of mining. Mining as defined herein shall include ground-disturbing exploratory activities designed to determine the process of stone, coal, sand, gravel, oil, gas, minerals or ore, including but not limited to, excavation, drilling, boring, or core borings; provided, however, that mining shall not include drilling or boring of a well for potable or agricultural water supply in compliance with a valid permit issued by the Fauquier County Health Department.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME ACCESSORY STRUCTURE: Any of the following structures, not to exceed the respective areas shown, when located on a mobile home space: porches (200 square feet), carports (300 square feet); sheds (150 square feet), and entry vestibules (100 square feet).

MOBILE HOME PARK: An area of ten (10) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more mobile homes. The term "mobile home park" does not include sales lot on which unoccupied mobile homes, whether new or used, are parked for the purpose of inspection and sale.

MOBILE HOME SALES, RENTAL AND SERVICE

ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or service of MOBILE HOMES in such condition that they are habitable and capable of movement on public streets. For the purpose of this Ordinance, mobile home sales, rental, service or storage of any other type of vehicle or equipment, including travel trailers, or manufacturing of mobile homes, but may include mobile home parts and accessory sales and installation or mobile home repair.

MOBILE HOME SPACE: An area within a mobile home park designed to accommodate one mobile home, not a "lot" as defined herein.

MODERATE INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fauquier County Board of Supervisors' Policy on Housing Low and Moderate Income Families.

MODULAR UNIT: See DWELLING, MODULAR UNIT.

MOTEL: See HOTEL.

MOTOR FREIGHT TERMINAL: A building or area in which semi-trailers, 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 inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

MOTOR VEHICLE WASH: A structure, or portion thereof, containing facilities for washing motor vehicles.

MULTIPLE FAMILY DWELLING: See DWELLING, MULTIPLE FAMILY.

MUSEUM: Any use the primary purpose of which is the exhibition of objects of lasting interest or value; such use may include the sale of items related to the objects exhibited in the facility (such as copies, prints or books

dealing with objects of the types exhibited), if such sales are clearly secondary and subordinate to the primary use of exhibition.

NOISE: A subjective description of an undesirable or unwanted sound. The following items are defined as they relate to the provisions of Part 7 in Article 9:

DECIBEL (abbreviated dB): A unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar.

IMPACT NOISE: Relatively short duration noises generally produced by the striking of two (2) or more objects so as to be heard as separate distinct noises.

IMPACT NOISE ANALYZER: An instrument which measures the peak sound pressure of an impact noise and meets the standards of the American National Standards Institute or the International Electrotechnical Commission.

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

OCTAVE BAND ANALYZER: An instrument to measure the octave band composition of a sound by means of a bandpass filter. It shall meet the specifications of the American National Standards Institute and should be calibrated in the preferred frequencies (ANSI S1.4-1961, ANSI S1.6-1967, ANSI S1.11-1966).

PREFERRED CENTER FREQUENCY: The octave band designated by a single number which corresponds to its geometric center frequency. Nine (9) octave bands cover the entire range of frequencies of interest in industrial noise and are described in the American National Standards Institute Standard No. S1.6-1967.

RECREATION SPACE, ACTIVE: Generally flat, open, well-drained usable areas which are configured and located to provide facilities for active recreation. Active recreation space may include facilities such as ball fields, tennis courts, swimming pools, tot lots, or other similar play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities and activities incidental and related to the foregoing, all on a non-commercial basis.

SOUND: Fluctuations of atmospheric pressure which are audible to persons.

SOUND LEVEL METER: An instrument to measure the overall sound pressure level. It shall comply with the applicable

specifications of the American National Standards Institute (ANSI S1.4-1961).

NONAGRICULTURAL FILL MATERIAL: The placement, storage or disposal of uncontaminated excavated material brought onto a parcel where the material is not generated. Excavated material brought to the parcel shall only include soil and rock. Other materials are acceptable if used solely for the maintenance of the farm operation. Such materials may include, but are not limited to, gravel and asphalt millings for driveway repair.

NON-CONFORMING STRUCTURE: A building or other structure that was lawfully constructed pursuant to the zoning regulations at the time of construction which does not conform with the minimum applicable height or setback requirements or other bulk limitations of the current zoning district in which it is located.

NON-CONFORMING USE: An existing use that was lawfully commenced pursuant to the zoning regulations at the time of commencement, which has continuously operated since that commencement, and which does not conform with the current applicable use regulations of the current zoning district in which it is located. In addition, the last federal or state use made on any federally or state owned land shall be deemed a NON-CONFORMING USE at the time the use becomes subject to the requirements of this Ordinance.

NURSERY, PLANT: An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

NURSERY SCHOOL: Any place, however designated, operated for the purpose of providing training, guidance, education or care for four (4) or more children under six (6) years of age.

OBSTRUCTION: Any structure, growth or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Section 4-505(A).

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

OCTAVE BAND ANALYZER: See definitions under NOISE.

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

OFF-STREET LOADING SPACE: See LOADING SPACE.

OFFICE: A room, studio, suite or building in which a person transacts his business or carries on his stated occupation. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of material, goods and products; or the sale and delivery of any materials, goods and products; which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

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.

OPEN SPACE: That area provided in conjunction with the development of a lot that is intended to provide light and air and is designed for the purpose of preserving scenic, natural or historic resources, for the adaptation of a use into its surroundings, for recreational purposes or any combination thereof. Some or all of such open space may be available for entry and use by the residents or occupants of the development or by the public. Open space may include, but need not be limited to, lawns, decorative planting, walk-ways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water courses, ponds, pastureland, cropland and woodland. Other uses included in NON-COMMON OPEN SPACE are listed in the definition thereof. For the purpose of this Ordinance, open space shall include and be qualified as COMMON OPEN SPACE, DEDICATED OPEN SPACE, NON-COMMON 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 6 of Article 2. Common open space shall not include any part of any individual lot, driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveway, parking lot or drainage areas, as to have no substantial value as open space.

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 in accordance with the provisions of Section 2-309.

OPEN SPACE, NON-COMMON: The open space that is designed and set aside for the ownership, use and enjoyment of a person not necessarily a resident or occupant of the development, the homeowners association or condominium, and created in accordance with the provisions of Part 7 of Article 2. Use and development of non-common open space shall be limited as set forth in Section 2-705 of the Ordinance.

ORDINANCE: The Fauquier County Zoning Ordinance.

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

OUTDOOR LIGHT CONTROL: The following terms are defined as they relate to the provisions of Part 10 of Article 9:

OUTDOOR LIGHT FIXTURES shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

- a. buildings and structures, including canopies and overhangs
- b. recreational areas
- c. parking lot lighting
- d. landscape lighting
- e. signs, including billboards
- f. display and service areas

INSTALLED shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Article but shall not apply to those outdoor light fixtures installed prior to such date.

SHIELDED, FULLY shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.

FOOTCANDLE. A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

FULL CUTOFF ANGLE. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. Refer to example graphics. (Refer to Figure 2)

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

LAMP. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

LUMEN. A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

LUMINAIRE. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light,

to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

OUTDOOR LUMINAIRE. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

PHOTOMETRIC PLAN. A point by point plan depicting the intensity and location of lighting on the property.

OUTDOOR SPORTS/ACTIVITY CENTER: An outdoor facility, open to the general public for a fee or for members and their guests, that provides accommodations for a variety of individual or organized sports and recreational activities, including but not limited to swimming, tennis, golf, miniature golf, skateboarding, basketball, batting cages, field sports and paintball. The use may include indoor recreational facilities as well, provided such indoor recreational facilities are clearly subordinate in extent and impact relative to the proposed outdoor activities. Such facilities may also include accessory facilities and uses including but not limited to coaching/teaching, day care facilities, eating establishments, races and events, meetings and meeting rooms and retail sales.

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

PARK FACILITIES (GOVERNMENTAL/CIVIC), NONATHLETIC: A piece of ground provided for use by the public and kept for ornament and recreation. Uses such as festivals, education, community celebrations, temporary farmer's markets, and similar activities and purposes shall be considered accessory uses for such Park Facilities, regardless of whether otherwise permitted and regulated by the Zoning Ordinance, as authorized by the Fauquier County Department of Parks and Recreation.

PARKING, COMMERCIAL OFF-STREET: Any space, whether 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 and egress.

PARKING FACILITIES, PUBLIC OR PRIVATE: Facilities for parking of operable motor vehicles which constitute the primary use of the property, whether or not a fee is charged.

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 Section 7-100.

PARTICLE VELOCITY: See definitions under VIBRATION.

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.

PETTING ZOO: A petting zoo is, and shall be limited to, the commercial display and maintenance of the following animals on a farm: chickens; goats; sheep; ducks; geese; donkeys; turkeys; rabbits; pigs; cows; horses; ponies; pheasants; llamas; emus; peafowl; Guinea fowl; and alpaca. It is the intent of this definition to allow only domestic animals common to farms in the United States. However, should a specific breed become common in the United States, consideration may be given to allowing such additional animals.

PHOTOMETER: See definitions under GLARE.

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.

PLACE OF WORSHIP: Public place of worship.

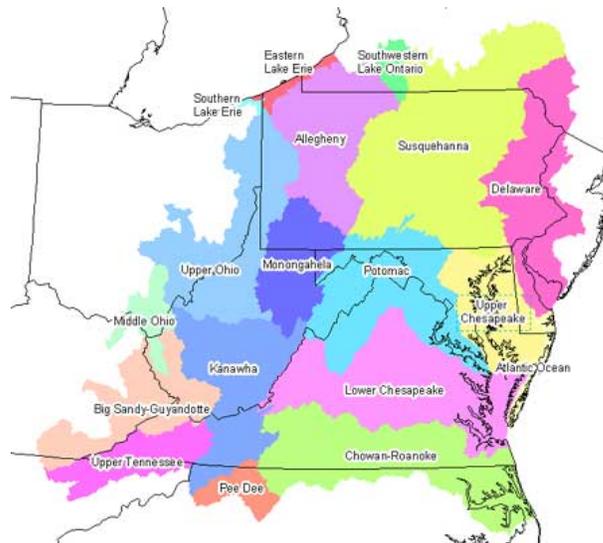
PLANNED DEVELOPMENT: An area of minimum contiguous size, as specified in Article 4 of this Ordinance, developed according to an approved Development Plan as a single entity, under one ownership or control, and containing one or more uses with appurtenant common areas.

POND: A body of water, sometimes artificially formed, by constructing an embankment or by excavation. This term shall not apply to stormwater management facilities.

POOL/BILLIARDS/AMUSEMENT ARCADE FACILITY: Any business conducted entirely indoors, offering for use pool or billiards tables or equipment for similar games, and/or amusement equipment such as pin-ball machines.

PORCH: Any veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a building and covered by a roof, other than a carport, as defined herein. An unenclosed porch is a porch with no side enclosure (except screens) that is more than eighteen (18) inches in height other than the side of the buildings to which the porch is attached.

POTOMAC AND CHESAPEAKE WATER BASINS: For the purpose of this Ordinance, the area shown in the map below shall constitute the POTOMAC AND CHESAPEAKE WATER BASINS:



PREFERRED CENTER FREQUENCY: See definitions under NOISE.

PRIMARY HIGHWAY: See STREET, PRIMARY HIGHWAY.

PRIMARY SURFACE: A surface, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, longitudinally centered on a runway.

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

PRINCIPAL USE: 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 non-profit 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.

PRIVATE STREET: See STREET, PRIVATE.

PROFESSIONAL OFFICE: See OFFICE, PROFESSIONAL.

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 government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

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 USES: Any use which is essentially public, as in services rendered, although it is under private ownership or control.

REAR YARD: See YARD, REAR.

RECEPTIONS: (This definition applies only to Sections 5-700, Adaptive Uses and 5-1812, Adaptive Uses on Non-Common Open Space.) The hosting of private parties or meetings, and/or gatherings with limited public availability by specific invitation or advance reservation, where food prepared off-site is served by a licensed caterer such that no food establishment license or commercial kitchen facility is required for the historic structure. Receptions may be held indoors within the historic structure or outdoors, subject in either case to the standards and limitations set forth in this Ordinance, in the applicable building code regulations, and in the applicable Special Exception relating to, without limitation, occupancy limits, public health and safety requirements, hours of operation, event size and frequency limitations, traffic mitigation requirements, and noise and light mitigation requirements.

RECREATIONAL VEHICLE PARK: A lot, parcel or area of land designed and used for the accommodation of two (2) or more recreational vehicles for transient lodging purposes.

RECREATION SPACE, ACTIVE: Generally flat, open, well-drained usable areas which are configured and located to provide facilities for active recreation. Active recreation space may include facilities such as ball fields, tennis courts, swimming pools, tot lots, or other similar play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities and activities incidental and related to the foregoing, all on a non-commercial basis.

RECREATIONAL VEHICLE: Any building, structure, or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, horse trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

RECREATIONAL VEHICLE STORAGE AREA: Any lot or parcel of land use or intended to be used for the commercial storage of two (2) or more recreational vehicles.

REPAIR SERVICE ESTABLISHMENT: Any building wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, vacuum cleaners, power tools,

electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any building wherein the primary occupation is interior decorating to include reupholstering and making of draperies, slip covers and other similar articles, but not to include furniture or cabinet-making establishments.

RESIDENTIAL CARE FACILITY: A facility licensed or supervised by an appropriate State or Federal agency to provide resident services and 24-hour supervision. Such a facility is headed by an agency-approved staff and functions as a single housekeeping unit. The term RESIDENTIAL CARE FACILITY shall include family care homes, foster homes and group homes serving the elderly, infirm, disabled, physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons not members of a family as defined in Section 2-502.

RESIDENTIAL DEVELOPMENT: Any development involving the creation of subdivided lots or dwelling units on any lot of record as of May 21, 1981.

RESORT: A use which provides lodging, meals, entertainment, and recreation in a rural setting for vacationers.

RESTAURANT: See EATING ESTABLISHMENTS.

RESTAURANT: (This definition applies only to Section 5-700, Adaptive Uses.) A commercial food service operation, licensed as a food service establishment by the Virginia Department of Health, engaged in the preparation and serving on premises of food and beverages to customers seated at tables. A Restaurant must have a commercial kitchen approved by the Virginia Department of Health, and the building in which the Restaurant is located must meet all applicable building and food safety laws and regulations applicable to commercial buildings and food service establishments. A Restaurant may not serve more patrons at any one time than is allowable under its certificate of occupancy issued by County and septic system permit issued by the Virginia Department of Health. Restaurants may serve patrons indoors, or outdoors in areas adjacent to the structure, subject in either case to the standards and limitations set forth in this Ordinance and/or in the applicable Special Exception relating to, without limitation, occupancy limits, public health and safety requirements, hours of operation, traffic mitigation requirements, and noise and light mitigation requirements.

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

RETAIL SALES ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use in consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishments shall not be interpreted to include motor vehicle related uses and EATING ESTABLISHMENTS as defined herein. RETAIL SALES ESTABLISHMENT shall include Antique Shops over 3,000 square feet and shall include FARMERS' MARKETS.

REVERSE FRONTAGE LOT: See LOT, REVERSE FRONTAGE.

ROAD: See STREET.

RUNWAY: A specified area on an airport prepared for landing and takeoff of aircraft.

SANITARY FACILITY: A SANITARY LANDFILL or other WASTE MANAGEMENT facilities, to include but not be limited to landfill, waste-to-energy plant with processing of by-products, recycling facilities and transfer stations.

SANITARY LANDFILL: A disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

SANITARY SEWER SYSTEM: A system which collects, treats and disposes of sewage that may be categorized by the following types:

SEWAGE TREATMENT FACILITY: A system to digest and/or treat more than 1,200 gallons per day of sewage; or any system approved for experimental or provisional use by the Virginia Department of Health; or any system requiring discharge into an open ditch or water as the means of disposal.

INDIVIDUAL: A sanitary sewer system that serves one parcel, which may include multiple structures under common ownership.

CENTRAL: A sanitary sewer system that serves two or more parcels or structures under separate ownership.

DISCHARGING: A sanitary sewer system that outlets effluent to surface waters of the Commonwealth.

NON-DISCHARGING: A sanitary sewer system that disposes of effluent below the ground surface.

MUNICIPAL: A sanitary sewer system that is owned by a government body or agency (e.g., Fauquier County, Fauquier Water and Sanitation Authority or Town of Warrenton).

NON-MUNICIPAL: A sanitary sewer system that is owned by a private entity.

SATELLITE ANTENNA: Any accessory structure, exceeding 4 feet in diameter, capable of receiving, for the sole benefit of the principle use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

SCHOLARLY RESEARCH CENTER: A facility providing resources for scholars and experts in a specific field of study to collaborate and conduct research. A Scholarly Research Center may include facilities for temporarily housing and boarding up to 30 scholars and experts engaged in the research.

SCHOOL, PRIMARY: A public, private or parochial school for the purpose of providing education for children of less than 15 years of age, but not including other schools defined herein or riding schools.

SCHOOL, SECONDARY: A public, private or parochial school for the purpose of providing education through the high school level (twelfth grade), but not including TECHNICAL SCHOOLS, COLLEGE/ UNIVERSITY. However, secondary schools shall for the purpose of this Ordinance include technical schools operated by the County.

SCHOOL, TECHNICAL: Any use in which the primary activity of such is devoted to giving instruction or technical training in vocational, professional, musical, dramatic, artistic, dancing, linguistic, scientific, religious, recreational or other specialized subjects but not including instruction and/or technical training that is clearly incidental and/or accessory to a permitted primary use.

SCHOOL, TECHNICAL, INDOOR: A TECHNICAL SCHOOL in which all instruction, practice, demonstration and other related activities are conducted within a building(s); includes automobile driving schools where all practice and demonstration is conducted on VDH & T maintenance highways.

SCHOOL, TECHNICAL OUTDOOR: A TECHNICAL SCHOOL in which all or part of this instruction, demonstration, practice and other related activities are conducted outdoors, including but not limited to instruction in the operation of vehicles and heavy equipment.

SEISMOGRAPH: See definitions under VIBRATION.

SELF-STORAGE FACILITY: A structure containing separate storage spaces of varying sizes leased or rented as individual leases for the purpose of storing personal property and household goods.

SERVICE DRIVE: See STREET, SERVICE DRIVE.

SERVICE STATION: Buildings and premises, including not more than three (3) interior service stalls, wherein the primary use is the supply and dispensation at retail of gasoline, oil, grease, batteries, tires and motor vehicle accessories, and where, in addition, the following services may be rendered and sales made, and no other, but only as accessory and incidental to the primary occupation.

1. Sales and servicing of spark plugs, batteries and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
4. Washing and polishing and sale of automotive washing and polishing materials;
5. Greasing, lubrication and radiator flushing;
6. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines;
7. Emergency wiring repairs;
8. Adjusting and repairing brakes;
9. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
10. Sales of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, but only when such sales are conducted inside the principal building;
11. Provision of road maps and other informational material to customers, and provision of restroom facilities.

Uses permissible at a service station do not include major mechanical and 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.

A service station shall not be interpreted to include a facility having more than three (3) interior service stalls which shall be deemed a VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT and, for the purpose of this Ordinance, any combined service station-car wash facility shall be deemed a CAR WASH.

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

SEWER, PUBLIC: A municipal sanitary sewer system; see SANITARY SEWER SYSTEM.

SHOPPING CENTER: Any group of one or more buildings containing three or more separate commercial businesses which (a) are designed as a coordinated commercial group, whether located on the same lot or on separate lots, (b) are under common ownership or management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and/or other similar benefits, and (c) present the appearance of one (1) continuous commercial area.

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: See Section 8-201 for definition of signs of all types and other terms pertaining thereto.

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY.

SITE PLAN: A required submission, prepared and approved in accordance with the provisions of Article 12, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a DEVELOPMENT PLAN as required by other provisions of this Ordinance.

SOCIAL, FRATERNAL, CIVIC, PUBLIC BENEFIT AND SIMILAR ORGANIZATIONS: Associations organized and operated on a nonprofit basis for persons who are bona fide members, which association owns or leases premises, the use of which premises is restricted to such association by and through a board of directors, executive committee or similar body chosen by the members. Such uses do not include fire company or rescue squad buildings which house emergency vehicles. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

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

SOLAR, UTILITY SCALE: An electrical generating plant, whose primary purpose is to produce power for consumption by, or under contract to, a utility provider, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware.

SOUND: See definitions under NOISE.

SOUND LEVEL METER: See definitions under NOISE.

SPACE, MOBILE HOME: See MOBILE HOME SPACE.

SPECTATOR SPORTS: Refers to facilities on which sports matches are played and/or performances conducted which persons attend to watch and for which a fee is customarily paid. Non-spectator facilities are those in which most of the persons present participate in the activities conducted therein.

STABLE, RIDING/BOARDING: A structure and/or use of land where 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.

STEADY STATE: See definitions under VIBRATION.

STORY: That part of any building comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised 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 for vehicular or pedestrian 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, CUL-DE-SAC: See CUL-DE-SAC.

STREET, INTERSTATE: A street so designated in the Comprehensive Plan.

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.

STREET, LOCAL: A street so designated in the Comprehensive Plan, or any other public or private street or right-of-way easement of record not specifically addressed in the Comprehensive Plan.

STREET, MAJOR COLLECTOR: A street so designated in the Comprehensive Plan.

STREET, MINOR ARTERIAL: A street so designated in the Comprehensive Plan.

STREET, PRIMARY HIGHWAY: Any street, so classified by the Virginia Department of Highways and Transportation, bearing a route number less than 600.

STREET, PRIVATE: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be privately maintained and is subject to the provisions of Part 3 of Article 7.

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, and currently maintained by the State of Virginia.

STREET, SECONDARY HIGHWAY: Any street, so classified by the Virginia Department of Highways and Transportation, bearing a route number of 600 or greater.

STREET, SERVICE DRIVE: A public street, paralleling and contiguous to an arterial or freeway, designed primarily to promote safety by consolidating ingress/egress at one access point. 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 serving the same function as a service drive, although not necessarily a public street.

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.

STRUCTURE: That which is built or constructed. The term "structure" shall be construed as though followed by the words "or parts thereof." Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, silos, earth formations, poles and overhead electric transmission lines, and flag poles.

SUBDIVISION:

- 1) The division of a lot, tract or parcel of land into two or more lots, tracts or parcels for the purpose of transfer of ownership or building development or for the division or allocation of land as open space for the common use by owners, occupants, or leaseholders. The term includes resubdivision.
- 2) For purposes of this Ordinance, all lots created from the same parent parcel as of May 9, 1968 shall be considered a single subdivision regardless of the timing of such divisions, and, where multiple lots are created or intended to be created with shared facilities such as streets, stormwater management facilities or open space, the division of these multiple lots shall constitute a single subdivision.

SUBDIVISION, CLUSTER: An alternate means of subdividing a lot premised on the concept of reducing lot size requirements for the provision of open space in conjunction with the development, all in accordance with the provisions of Section 2-406.

SUBDIVISION, CONVENTIONAL: The subdivision of a lot in accordance with the lot size requirements and bulk regulation specified for same in the district regulations.

SUBDIVISION, SUBSTANDARD: A substandard subdivision as defined in Appendix C of the Code, the Subdivision Ordinance, is a

subdivision heretofore lawfully recorded within which may exist one of the following elements:

1. Fifty (50) percent or more of the lots therein contain either an area or width less than the area or width required by current provisions of this Ordinance; or
2. Served by a public street providing less than fifty (50) feet of right-of-way width; or a private street not in compliance with the provisions of Article 7-300 Private Street; or
3. Contains lots with a depth three (3) times or more than that of the width thereof; or
4. Contains street alignment or gradients incompatible with existing topography to the extent that such alignment or gradients do not conform to either standards adopted by the County relative thereto or to the provisions of this Ordinance, as the case may be; or
5. Contains entire lots or streets located within a floodplain area; or
6. Contains street elevations which, when related to the elevations of lots adjacent thereto, are such as do not conform to either standards adopted by the County relative thereto or to the provisions of Appendix C of the Code, the Subdivision Ordinance, as the case may be.

SUPPORTIVE HOUSING: The combination of longer term and/or permanent housing with those social services tailored to specific populations in need of assistance, including but not limited to job, life skills and related educational training, as well as other community support services such as child care, health care and mental health assistance. For the purpose of this Ordinance, supportive housing is not a TRANSITIONAL FAMILY HOUSING FACILITY, which provides similar housing needs but on a finite length of stay.

SURVEYOR: See LAND SURVEYOR.

TEAM RECREATION SPORTS: Area of land, usually flat, open, well-drained usable space which is configured and located to provide facilities for team recreation sports. Team recreation sports shall include a maximum of two (2) ball fields consisting of baseball, football, field hockey, soccer and softball on land designated as common open space, public or private property, but excluding any land designated as non-common open space.

TEMPORARY FAMILY HEALTH CARE UNIT: A transportable residential unit used for a caregiver's provision of residence and care for a mentally or physically impaired person who is certified by a licensed medical physician as requiring assistance with two or more activities of daily living as defined by state law. The unit shall comply with applicable provisions of the

Industrialized Building Safety Law and the Uniform Statewide Building Code.

THEATER: 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 theater shall be deemed an EATING ESTABLISHMENT and a drive-in motion picture theater shall be deemed a separate and distinct use.

TOURIST HOME OR BOARDING HOUSE: Any building or portion thereof containing sleeping accommodations for not more than twelve (12) persons who are not members of a family as defined in Section 2-502, and wherein normally a charge is paid for such accommodations. The term "tourist home" shall be deemed to include the term "boarding house" but not hotel or motel or other accommodations used for transient occupancy.

TRANSITIONAL FAMILY HOUSING FACILITY: A building where families who may or may not have access to traditional or permanent housing but who are capable of living independently within a reasonable period of time, generally about 18 months, reside on a 24-hour per day basis for at least 30 days and participate in appropriate program activities designed to facilitate independent living.

TRANSITIONAL SURFACES: Surfaces, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, which extend outward perpendicular to the runway centerline, sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRANSITIONAL ZONE: A zone perpendicular to the runway centerline and approach surfaces whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

TRAVEL LANE: See STREET, TRAVEL LANE.

TREE: Any self-supporting woody plant growing upon the earth which usually produces one (1) main trunk, measuring no less than four (4) inches diameter at four and one-half (4 1/2) feet from the ground, and which produces a more or less distinct and elevated head with many branches. For the purpose of this Ordinance, any dogwood or American holly whose main trunk measures not less than two (2) inches at three (3) feet from the ground shall be considered a tree.

TRUCK AND HEAVY EQUIPMENT SALES, RENTAL AND SERVICE ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or service of trucks, busses, and heavy equipment in operating condition, including earth moving, well drilling, and construction equipment, and cranes. For the purpose of this Ordinance, truck and heavy equipment sales, rental and service establishment shall not include FARM EQUIPMENT, SALES, RENTAL AND SERVICE, as defined herein, and the

service of vehicles and equipment shall not be interpreted to include a SERVICE STATION, but may include diagnostic centers, truck and heavy equipment parts and accessory shops where installation of parts is a distinct feature of the business, and may include auto body, or paint shops when ancillary to sales, rental, and repair.

TRUCK STOP: A facility providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to overnight parking and accommodations, showers, or restaurant facilities targeted for use by truck crews.

URBAN COTTAGES: An accessory dwelling unit which is a secondary dwelling established in conjunction with, clearly, subordinate and secondary to, and located on the same lot or parcel as a single family detached dwelling unit. Such a unit shall be allowed only in the Planned Residential District and only in accordance with the provisions of Section 4-106(f) of this Ordinance.

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.

VALUE-ADDED AGRICULTURAL PRODUCTS: Raw agricultural products changed into something new through packaging, processing, cooling, drying, extracting or other type of process that differentiates the value-added product from the original raw agricultural commodity. Value-Added Agricultural Products may include: honey, jams and jellies; baked goods; dried flowers, herb and vegetable preparations; finished meats and sausages; dairy products, including cheeses; canned or frozen fruits and vegetables; soaps; thread and fiber products; fruit baskets; firewood; lumber; wreaths and garlands; and similar products whether or not these products are produced on or off the farm.

VEGETATION: Any object of natural growth.

VEHICLE, INOPERABLE: See INOPERABLE VEHICLE.

VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental and ancillary service of any vehicle in operating condition such as an automobile, motorcycle, trailer, ambulance, taxicab, recreational vehicle, mobile home, boat. For the purpose of this Ordinance, vehicle sale, rental and service establishment shall not include the storage of trucks of more than one and one-half (1 1/2) tons in weight or buses, and the service of any vehicle shall not be interpreted to include a SERVICE STATION having less than four (4) interior service stalls, but may include automobile diagnostic centers, auto parts and accessory shops where installation of parts is a distinct feature of

the business; and may include auto body, paint or repair shops and rental establishments where ancillary to sales.

VEHICLE STORAGE, INDOOR: A facility used for the commercial storage of operable vehicles only within an enclosed building(s). The use shall not be construed as an Auto Repair Garage, Service Station nor Vehicle Sales which are separate use categories of the Zoning Ordinance.

VEHICLE TRANSPORTATION SERVICE ESTABLISHMENT: Buildings and premises **expressly** for the storage and dispatch only of “for hire” chauffeured transportation services, limited to taxicabs, limousines, executive sedans, ambulances, passenger vans, or other similar vehicles. Administrative offices and the ancillary servicing and maintenance of such vehicles shall be allowed as accessory to the use. Services rendered for such use shall occur off-site only; no passengers, customers or clients shall come to the site.

VETERINARY CLINIC: A facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for such 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 9:

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 miles.

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).

IMPACT: An earthborn vibration generally produced by two (2) or more objects striking each other so as to cause separate and distant 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 in 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: A facility in which goods or merchandise are stored, including **SELF- STORAGE FACILITIES**.

WASTE MANAGEMENT: The collection, source separation, storage, transportation, transfer, processing, treatment and disposal of waste or resource recovery. "Treatment" means any method, technique or process, including incineration or neutralization, designed to change the physical, chemical or biological character or composition of any waste to neutralize it or to render it less hazardous or non-hazardous, safer for transport, amenable to recovery or storage or reduced in volume.

WATER, PUBLIC: A municipal water supply system. For the purposes of this ordinance, this shall not be taken to mean a Public Water System as defined by the Environmental Protection Agency and permitted by the Virginia Department of Health – Office of Drinking Water. See **WATER SUPPLY SYSTEM**.

WATER SUPPLY SYSTEM: A system for the collection, transmission, treatment, storage and distribution of water from source to consumers, which may include but are not limited to homes, commercial businesses, industrial developments and public agencies for water-related activities. A Water Supply System may be categorized by the following types:

PUBLIC WATER SYSTEM: As defined by the Environmental Protection Agency, a water system that provides water for human consumption to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year.

INDIVIDUAL: A water system that serves one parcel, which may include multiple structures under common ownership.

CENTRAL: A water system that serves two or more parcels from a common source.

MAJOR: A water system that meets the definition of a Public Water System as defined by the Environmental Protection Agency or a Waterworks as defined by the Virginia Waterworks Regulations of 12VAC5-590.

MINOR: A water system that is below the triggering threshold of a Public Water System as defined by the Environmental Protection Agency.

MUNICIPAL: A water system that is owned by a government body or agency (e.g., Fauquier County, Fauquier Water and Sanitation Authority or Town of Warrenton).

NON-MUNICIPAL: A water system that is owned by a private entity.

WATT: See definitions under GLARE.

WAYSIDE STAND: A temporary structure and/or use of land designed for the display and sale of agricultural products with no space for customers within the structure itself, subject to the provisions of Part 1 of Article 6. For the purpose of this Ordinance, a tent may not be used as a wayside stand.

WEDDING CHAPEL: A structure used for the performance of marriage ceremonies and, if desired, receptions associated therewith.

WHOLESALE TRADE ESTABLISHMENT WITH ASSOCIATED RETAIL SALES: A wholesale sales facility in which retail sales are ancillary to the primary use and occupy not more than five (5) percent of the gross floor area.

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

WHOLESALE TRADE ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers.

WIDTH, LOT: See LOT, WIDTH.

WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, including roof mounted vertical access wind turbines. A system is considered an **ON-SITE WIND ENERGY SYSTEM** only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company (i.e., net metering).

WINDOW SIGN: See SIGN, WINDOW.

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 or multiple family 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.

For the purpose of this Ordinance, there shall be 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 set back from the respective lot lines.

On a lot where a service drive is to be dedicated to the County or to the Virginia Department of Highways and Transportation, such dedication shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the original lot line, except in no instance shall a building be erected closer than fifteen (15) feet to the nearest street line. This provision shall not apply to a lot(s) which contains a single family detached dwelling unit.

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, all yards lying between the principal building and the intersecting streets shall 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 in those instances where one (1) of the streets is in an alley.

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 Residential Districts the rear yard may be such minimum dimension as the side requirements for that district.

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 the case may be.

YARD/GARAGE SALE: The sale of goods from a residence, whether conducted in the dwelling, garage or other building or outdoors.

ZONE: All areas provided for in Section 4-504 of this Ordinance, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Section 4-504 of this Ordinance, and whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.