

## ARTICLE 2

### DEFINITIONS

#### **GENERAL USAGE**

For the purpose of this Ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

The word "shall" means mandatory.

Unless otherwise specified, all distances shall be measured horizontally.

The word "building" includes the word "structure"; the word "lot" includes the word "plot" and "parcel".

The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

The terms "land use" and "use of land" shall be deemed also to include, "building use" and "use of a building".

The word "State" means the Commonwealth of Virginia.

The word "Town" means the Town of Round Hill, Commonwealth of Virginia.

The word "County" means the County of Loudoun, Commonwealth of Virginia.

The word "person" includes a firm, associations, organization, partnership, trust, company, or corporation as well as an individual.

The term "Code of Virginia" shall include "as amended".

#### **INTERPRETATION BY THE ZONING ADMINISTRATOR**

In case of any dispute over the meaning of a word, phrase or sentence, whether defined or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance as set forth in Article 1, provided however that an appeal may be taken from any such determination as provided in Section 15.4 of this Ordinance

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**ACCESS:** A means of approach or admission.

**ACCESSORY STRUCTURE:** A building or structure subordinate and incidental to, and located on the same lot with a principal building, the use of which is customarily found in association with and is clearly incidental to that of a principal building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building. Accessory structures shall include private garage, carport, car cover, storage shed, tool shed, garden shed, private greenhouse, pool house, guest house, gazebo, barns, above ground decks, dog houses, playhouses, and any additional structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance. At-grade structures such as basketball courts, tennis courts, patios, open dog kennels and swimming pools and surrounding apron/decks shall meet the established accessory structure setbacks; however, these structures are not included in the total allowable accessory structure footprint.

**ACCESSORY STRUCTURE FOOTPRINT:** See Footprint

**ACCESSORY STRUCTURE HEIGHT:** The vertical distance from the average finished grade at the lowest point of the building, structure, or wall exposed above the ground's surface to the highest point of the coping on a flat roof, the deck line of a mansard roof, or to the average height between the eaves and ridge for gable, hip, and gambrel roofs.

**ACCESSORY USE:** A use of land or of a building or portion thereof, customarily incidental and subordinate to the principal use of the land or main building and located on the same lot with the principal use.

**AGRICULTURAL BUILDING OR STRUCTURE:** A structure designed, constructed, and used to house farm implements, livestock or agricultural produce or products grown or raised on the premises by the owner or lessee and shall not include a residential dwelling unit

**ALLEY:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

**AUTOMOBILE GAS STATION:** Any place of business with pumps and underground tanks, having as its purpose dispensing fuel to motor vehicles.

**AUTOMOBILE SERVICE STATION:** Any place of business having its purpose the servicing, at retail of motor vehicles, but not including a point or body shop, or machine shop.

**BASEMENT:** That portion of a building below the first-floor joists at least half of whose clear ceiling height is above the main level of the adjacent ground.

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**BED AND BREAKFAST:** A single-family dwelling in which the principal use is permanent residential quarters; and in which as an accessory use, no more than three bedrooms are made available for transient occupancy, generally for not more than seven days, by no more than six guests for compensation.

**BUFFERING OR SCREENING:** For the purpose of this Ordinance, screening or buffering shall be defined as any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties, wherever required by this Ordinance. Whenever used for screening buffering purposes, "natural growth" shall be taken to mean coniferous trees, bushes and shrubbery.

**BUILDABLE AREA:** The area of the lot remaining after required yards have been provided.

**BUILDING:** A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

**BUILDING ATTACHMENT:** A structure which is connected to a principal building by a fully enclosed above ground passageway with a common wall of 8' or more in length and having a finished floor, walls, and ceiling shall be deemed to be part of the principal building.

**BUILDING COVERAGE; LOT COVERAGE:** All areas under roof or projections from buildings on a lot; not to include uncovered decks, stoops or steps to grade.

**BUILDING FOOTPRINT:** See Footprint

**BUILDING HEIGHT:** The vertical distance from the average finished grade at the minimum front yard line to the highest point of the coping on a flat roof, the deck line of a mansard roof, or to the average height between the eaves and ridge for gable, hip and gambrel roofs.

**BUILDING INSPECTOR:** An appointed official responsible for certifying building inspections.

**BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential lot on which the same is located if the lot is used primarily for residential purposes.

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

**CHILD:** Any natural person under 18 years of age

**CHILD CARE CENTER:** An establishment which is licensed or approved to operate as a child care center in the Commonwealth of Virginia by the Virginia Department of Social

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Services, that enrolls two or more children under the age of 13 in a facility that is not the residence of the provider, or of any of the children in care, or 13 or more children at any location for whose care tuition, fees or other forms of compensation are charged. A child care center may include nursery schools or kindergartens.

**COMMON OPEN SPACE:** An open tract, or parcel of land owned in undivided interest, not devoted to residential uses or structures but directly related, and adjunct to a cluster development or planned development, as herein provided.

**COMMUNITY EVENT:** A preplanned event or program organized and operated by an entity other than the Town of Round Hill, open to the general public, and which is expected to be attended by more than 25 people.

**CONVENIENCE STORE:** A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, generally characterized by the retail sale of food, the rapid turnover of customers, high traffic/trip generation, and less than 5,000 square feet of retail area.

**COURT:** An open, unoccupied space, other than a yard with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

**DEVELOPMENT:** The process of erecting or causing to be erected buildings or structure on a lot.

**DRIVEWAY:** A space or area specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a street or way.

**DRIVE-IN RESTAURANT:** Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premise; a refreshment stand; a "fast food" or primarily a "carry out" establishment.

**DUSTLESS SURFACE:** A surface adequately covered with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the Planning Commission and to be maintained in good condition at all times.

**DWELLING:** See "dwelling unit."

**DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE):** One of three or more residential buildings having a common or party wall separating dwelling units.

**DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE FAMILY:** A residential unit designed for and occupied by one

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family only.

**DWELLING, DUPLEX:** A residential building containing not more than two dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two families.

**DWELLING UNIT:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities and containing not less than 600 square feet of residential floor area.

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

**ERECTED:** Shall be taken to mean constructed, reconstructed, moved or structurally altered.

**FAMILY DAY HOME:** A child care program offered in the residence of the provider, or the home of any of the children in care, when at least one child receives care in exchange for tuition, fees or other forms of compensation.

**FAST FOOD ESTABLISHMENT:** See "Drive-In Restaurant."

**FLOOD PLAIN:** Continuous sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation.

**FLOOR AREA RATIO:** The total floor area of a building (measured from exterior wall to exterior wall) divided by the total area of the lot upon which the building is to be constructed. For example, a 43,560-square foot lot (1 acre) with a .25 FAR would allow a maximum building area of 10,890 square feet.

**FOOTPRINT:** The outline of the total area covered by a structure, measured from the outside of all exterior walls and columns, not including the area of porches, overhangs, and arbors.

**FRONTAGE:** Lot width.

**GENERAL STORE:** A single store, the gross leasable floor area of which is a maximum of 3,000 square feet and which offers a wide variety of everyday merchandise for sale.

**GROSS FLOOR AREA (GFA):** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**GROSS LEASABLE AREA (GLA):** The gross floor area (GFA) less enclosed storage areas, hallways, closets, stairwells, elevators and rest rooms.

**GUEST HOUSE:** Dwelling or lodging units for temporary non-paying guests in an

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accessory building. No such quarters shall be occupied by the same guests for a period of more than three months in any 12-month period, and no such quarters shall be rented, leased, or otherwise made available for compensation of any kind.

**HEALTH OFFICIAL:** The Director of the Loudoun County Department of Health or his designated deputy; Health Officer.

**HEAVY EQUIPMENT:** Any vehicle in excess of 10 tons, commonly used in major earthmoving operations, such as site clearing, road building, or construction of large-scale buildings. Such vehicles include, but are not limited to, the following:

- a. Cranes
- b. Pan-scrapers
- c. Bulldozers
- d. Steamrollers
- e. Backhoes
- f. Graders
- g. Water-drilling rigs
- h. Paving Machines
- i. Loaders
- j. Trenching Machines
- k. Dump Trucks

**HOME OCCUPATION:** a business, profession or other economic activity conducted full- or part-time in the principal residence of the person conducting the business.

**HOMEOWNERS' ASSOCIATION:** A non-profit organization operating under recorded land agreements through which:

- a. each lot and/or home-owner in a clustered or planned development is automatically a member, and
- b. each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and
- c. the charge if unpaid becomes a lien against the property.

**HOSPITAL:** Any licensed and State of Virginia accredited institution receiving in-patients and rendering medical and/or surgical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, throat, pediatric, orthopedic, dermatology, cancer, mental, tuberculosis, chronic disease, and obstetrics. The term "hospital" shall also include sanitariums, including institutions wherein mentally handicapped, emotionally disturbed, and drug dependent patients are treated or cared for under the supervision of licensed medical personnel.

**LOADING SPACE:** Any off-street space available for the loading or unloading of goods, not less than fifteen feet wide, twenty-five feet long and fourteen feet high, and

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having direct useable access to a street or alley, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than twelve feet.

**LOT:** A parcel of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having at least the minimum area required by this Ordinance, having at least the minimum area required by this Ordinance for a lot in the zone in which such lot is situated, and having its principal frontage on an approved public or private access easement. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed among the land records of Loudoun County, but does not include land identified on any such plat as an outlot.

**LOT AREA:** The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot area shall not include portions under water except where the total area of a body of water is within the lot or where the width included as a part of the area of the lot does not exceed 30 feet.

**LOT, CORNER:** A lot abutting on two or more streets at their intersection, where the interior angle of the intersection, does not exceed one hundred thirty-five degrees.

**LOT, DEPTH OF:** The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

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

**LOT, THROUGH:** An interior lot, fronting on two parallel or approximately parallel streets.

**LOT, WIDTH:** The horizontal distance between side lot lines measured at the front property line and at the required front yard.

**MANEUVERING SPACE:** An area directly related to required parking areas, designed to permit easy vehicular movement. Maneuvering space shall not be considered as part of any required "parking space" or "loading space".

**MAJOR ROAD:** A collector or arterial road.

**MENTALLY OR PHYSICALLY IMPAIRED PERSON:** A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Virginia State Code Section 63.2-2200, as certified in a writing by a physician licensed by the Commonwealth.

**MOTEL:** Any group of dwelling units, combined or separated, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility.

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**NON-PROFIT ORGANIZATION:** An incorporated organization or group whose charter prohibits profit-making endeavors, and which enjoys tax exemption privileges.

**NURSING HOME:** A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

**ON-SITE:** On-site shall be construed to be describing location on all, or a portion, of a parcel of land which is the subject of an application for approval by the Town Council, Planning Commission, or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control.

**OFF-SITE:** Describing a location on an area of land which is approximate to a parcel of land defined as on-site".

**OPEN SPACE:** Land area intended to provide light, air and space for aesthetic or recreational purposes. Open-space is to be accessible and in reasonable proximity to residents or occupants of the development. Open space shall not include streets, drives, parking and loading areas, and areas of such size and shape or so located as to have no substantial aesthetic or recreational use.

**PARKING, OFF-STREET:** Any space specifically allotted to the parking of motor vehicles; such space shall not be in a public right-of-way.

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

**PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel. These services usually include, be are not limited to, laundry, cleaning and garment services, garment pressing, linen supply, diaper service, coin operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, and clothing rentals.

**PLACE OF WORSHIP:** A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. These include such uses as church, synagogue, temple or mosque. Associated accessory uses subject to Special Exception approval may include religious instruction classrooms, church offices, counseling programs, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, and cemeteries.

**PLANNING COMMISSION:** The Planning Commission of the Town of Round Hill, Virginia.

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**PORCH:** The term "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this chapter. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen inches in height, exclusive of screens.

**PRIVATE ACCESS EASEMENT:** A strip of privately owned land primarily intended for vehicular traffic and providing the principal means of access to property not fronting on publicly maintained roads. All such easements shall be called Ways.

**PRIVATE SCHOOL:** Shall include private schools, colleges or universities, private instructional/training institutions.

**PROFESSIONAL OFFICES:** A structure designed for use by a person or persons in offering a service which requires specialized knowledge such as medicine, law, engineering, dentistry, and other like endeavors.

**PROPERTY LINE, FRONT:** A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street, right-of-way or street easement.

**PUBLIC ACCESS RIGHTS:** A legal easement, or series of easements which grant and guarantee the right of access for emergency and public service vehicles to any given area or right-of-way.

**RECREATIONAL OPEN SPACE:** An area designed for active play or athletic activity by either children or adults.

**RECREATIONAL VEHICLE:** A travel trailer, pick-up camper, motor home, tent trailer, or similar device used for temporary housing.

**RESIDENT ENGINEER:** The Resident Engineer in Loudoun County, Virginia, of the Department of Transportation of Virginia, or his designated deputy.

**RESIDENTIAL CARE HOME:** An adult and/or child caring facility licensed by the Virginia State Department of Behavioral Health and Developmental Services to provide residential services to individuals who are mentally or physically impaired, or developmentally disabled, or licensed by the Virginia State Department of Social Services to provide residential services to individuals who are aged, infirmed or disabled.

**RESTAURANT:** Any establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park, operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

**RETAIL STORES AND SHOPS:** Buildings or land used for sale of merchandise at retail, or for the rendering of personal services, including, but not limited to the following: barber shop, beauty parlor, drug store, newsstand, food store, candy shop, antique store and gift shop, hardware store, household appliance store, furniture store,

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florist, optician, music and radio store, tailor shop; but specifically excluding coal, wood and lumber yards.

**ROAD:** Also called street, avenue, way, court, drive and the like.

**ROAD, PUBLIC:** Roads which are part of the State maintained highway system at the time of adoption of this Ordinance or roads meeting Virginia Department of Highways' specifications, and acceptable for maintenance by the State, bonded as provided in the Round Hill Subdivision Ordinance, or accepted in the State maintained highway system after the effective date of this Ordinance.

**SIGN:** Any device that is sufficiently visible to persons not located on the parcel where such device is located and which is designed to attract the attention of such persons or communicate information to them.

**SIGN, FREESTANDING:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support of a sign.

**SIGN, ILLUMINATED:** A sign or any part of a sign which is illuminated, externally or internally, by lights from a source located for the specific purpose of such lighting.

**SIGN, OFF-PREMISES:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located.

**SIGN, ON-PREMISES:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

**SIGN, TEMPORARY:** A sign that (i) is used in conjunction with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed only until the occurrence of some event. If a sign display area is permanent but the message displayed is subject to periodic changes, such a sign shall not be regarded as temporary.

**STABLE, COMMERCIAL:** An establishment where animals are cared for, boarded, and/or let for hire.

**STREET, CENTER LINE OF:** A line established as a center line of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or, if there be no official center line of a street, the center line shall be a line lying midway

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between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or traveled way exists, the center line shall be established by the Planning Commission, or in the absence of a determination by the Planning Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

**STRUCTURE:** An assembly of materials forming a construction for occupancy or use including, among others, buildings, platforms, stagings, observation towers, radio and TV broadcasting towers, water tanks, trestles, open sheds, coal bins, shelters, walls, power line towers, pipelines, and swimming pools.

**STRUCTURAL ALTERATION:** Any change, modification, addition or deletion to an existing structure.

**TEMPORARY FAMILY HEALTHCARE STRUCTURE:**

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.

**TOWN SPONSORED EVENT:** A preplanned event or program that is fully coordinated with, and approved by the Town Council or designated committee. The Town sponsored events can be partially funded or funded in full using Town funds. All revenues generated from such events/programs shall be used to fund the event or returned to the Town of Round Hill's General Fund. Town sponsored events include, but are not limited to, the Round Hill Hometown Festival and the Holiday Tree Lighting Festival.

**THEATRE, INDOOR:** A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

**TRANSITIONAL USE:** Permissible uses, regulated herein, which by their level and scale of activity, serve as a transition between two or more types or densities of land uses.

**USE:** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

**UNDISTURBED GRADE:** The grade and elevation of land prior to excavation, filling or grading.

**YARD:** An area 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 area by the provisions of this Ordinance.

**YARD, FRONT:** A yard extending across the full width of the lot measured from and perpendicular to the front lot line.

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**YARD, REAR:** A yard extending across the full width of the lot measured from and perpendicular to the rear lot line. On corner lots which abut two streets with lot lines of unequal length, the rear yard shall be opposite and parallel to the shortest lot line.

**YARD, SIDE:** A yard extending from the front yard to the rear yard measured from and perpendicular to the side lot line.

**[This article Amended July 20, 2017]**