

## Article 9. Definitions – New Section 18-903 Uses and Use Terms & Edits to Select Definitions and Terms

### Proposed Amendments

**Issue:** The Town of Vienna zoning and subdivision ordinance has all of the definitions in one section in Article 9. As we have used the newly adopted code, it has become clear that the definitions would be better broken down into some categories to make finding information faster. The first category that would be better in a separate section heading is definitions related to uses.

**Recommendation:** Discuss and adopt revisions to *Section 18-902 General Terms* that relocates all of the uses listed in listed in *Article 3 – Uses and Use Standards*, defined into a new section, and creates a new section for other terms and definitions.

**OR, any revisions as recommended by Town Council.**

#### Recommended Zoning Code Text w/Redline:

##### Section 18-902 General Terms

*[The following terms are edits to revisions to terms staying within Section 902. Terms not shown here are proposed to remain.]*

##### EDIT No. 22

##### Section 18-902 General Terms

**Deck** means a structure ~~floor area~~ extending from the outside wall of a building that meets the Fairfax County Deck Detail or a comparable design, for example a deck at-grade. ~~above ground level, whose supports may rest on the ground, and includes any associated stairs or roof/shade covering that does not result in the deck being enclosed and becoming an indoor occupiable space.~~ Decks may have stairs and landings as required by the International Building Code. ~~A patio or paved area is not a deck.~~ See Article 2 Sect. §18-213.

##### EDIT No. 23

**Deck, Covered** means a structure meeting the definition of **Deck** with a roof and no solid walls except the connection to the principal structure. The roof is not required to be connected directly to the principal structure if the deck is. Covered decks may be part of Deck and Outdoor Living Coverage. See Article 2 Sect. §18-213.

##### EDIT No. 24

**Electric vehicle charging station** ~~means a parking space supplemented by an electrical source configured to deliver electrical energy to battery-powered vehicles.~~

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### EDIT No. 25

[All definitions below, unless otherwise specified, are currently within *Section 18-902 General Terms* and are proposed to be moved to the new *Section 18-903 Uses and Use Terms*]

### Section 18-903 Uses and Use Terms

The following definitions describe the uses within Article 3 – Uses and Use Standards, and any other references to uses of land within this Zoning and Subdivision Ordinance:

**Adult business** means an establishment having as a substantial and significant portion of its stock or services that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For the purpose of this definition:

1. The term “specified sexual activities” means:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and
2. The term “specified anatomical areas” means:
  - a. Less than completely and opaquely covered:
    - i. Human genitals, pubic region;
    - ii. Buttock; and
    - iii. Female breast below a point immediately above the top of the areola; and
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult day support center** means a day care facility for adults but where neither residential nor in-patient services are provided.

**Agriculture, enclosed**, means all uses included in “Agriculture, general,” but where such uses and activities are fully enclosed in structures. For example, an aquaponics operation that is fully within a building would be considered “Agriculture, enclosed.” However, a pasture for cattle would not be considered an enclosed use and would not fall under this term.

**Agriculture, general**, means the production of vegetables, fruits, fish and seafood products, bee products, flowers, meats, animal products, mead, or wine, including the processing of such products and the storage of such products, feed, seed, fertilizers, treatments, and agricultural implements. This term also includes agritourism uses, such as farm tours, farm-to-table meals,

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cooking classes, wine tastings, and events.

**Animal Care Facility** means a place where common household pets are cared for, such as for grooming, training, temporary boarding, and/or veterinary/animal hospitals. This definition does not include businesses that meet the definition of animal shelter.

**Animal Shelter** means any place designated to provide for the temporary accommodation of four or more common household pets that are stray or abandoned by their owners. This definition does not include a kennel, a veterinary hospital, or a zoo.

**Bed and breakfast** means a structure in which eight or fewer rooms are set aside for transient guests. Such rooms shall not have separate utilities, provisions for cooking or dormitories for sleeping and must be located within the principal structure.

**Boardinghouse** means a building other than a hotel where lodging, meals, or lodging and meals, are provided for three or more, but not exceeding nine, guests, on a non-transient basis.

**Brewpub** means a restaurant that produces beer, the production of which is an accessory use, intended for consumption on the premises.

**Cafeteria** means a dining facility where employees of a business or residents of a group living facility eat meals, which are typically prepared on-site but may also be prepared off-site and brought into the facility.

**Car wash** means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment in exchange for money. This term may include mechanical facilities. This term may include car washing uses that are accessory to vehicle fueling station uses, vehicle repair and maintenance uses, and/or vehicle storage uses.

**Catering, Principal Use** means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

**Catering, Accessory Use** for a restaurant is an accessory use to restaurants in which food is prepared onsite and delivered to another location for consumption.

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**Cemetery** means land used for or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

**Child-care center** means a program 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.

**Club or service organization** means an organization and its premises catering to members and their guests for social, philanthropic, intellectual, recreational, or athletic purposes, including lodges.

**College or technical school** means an institution that is certified to operate as a college or university by the State Council of Higher Education for Virginia, and that offers a program of post-secondary education and instruction leading to degrees or certificates. (Source: Fairfax County Zoning Ordinance, modified by staff)

**Commercial off-street parking** means surface or structured parking lot established, separate from required parking for an adjacent use, to provide off-street parking to private vehicles possibly for a fee.

**Community garden** means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

**Composting drop-off facility** means a facility for the drop-off and temporary holding of compostable materials such as paper, food refuse, plant and vegetative matter, and yard waste. A composting drop-off facility is intended for household or consumer use; use by commercial or industrial establishments is not included.

**Construction site office and storage** means the accessory use of a lot involving the temporary placement and use of a construction office and the temporary storage of construction materials on a property only during the construction phase of a development.

**Continuing Care Facility** means a facility that may consist of three (3) types of care, or any one or two types: a. Congregate Living Facility: a facility that 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

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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.

**Cottage court** means a group of small, 1-1.5-story, detached dwellings arranged around a shared court, where the court is visible from the street and replaces the function of a rear yard. The dwelling unit entrances face the shared court.

**Craft beverage production establishment** means a use that manufactures beer, wine, mead, spirits, teas, kombuchas, or other craft beverages but is not principally a retail outlet such as a juice bar or smoothie cafe. This term may include accessory uses, such as a public tasting tours, storage, packaging, and distribution. A craft beverage production establishment that fulfills the definition of a brewpub shall be considered a brewpub. A light industrial use that fulfills the definition of a craft beverage production establishment shall be considered a craft beverage production establishment.

**Curbside pickup** means the delivery of meals or goods to a customer's personal vehicle parked within a designated parking space or zone fronting the business.

**Dancing and live entertainment** means any entertainment involving performances, or delivery of entertainment by one or more persons, including but not limited to: musical ensembles, solo performers, deejays, karaoke, comics/comedians, theatrical acts (when performed in a venue other than a theater) and dancing. Live entertainment does not include piped-in background music inside a facility, where no "live" person is actively involved in the playing of the music, or an entertainment production conducted at a school.

**Data center** means a building enclosing a network of computer servers typically used by businesses and organizations for the remote storage, processing, or distribution of large amounts of data.

**Drive-through facilities** means, other than as excepted below, any facility where goods are sold or services provided to a person riding on or seated within a motor vehicle; or where services or inspections are performed on motor vehicles that stand or wait in line immediately prior to the service being

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performed. Drive-through facilities provide structures and/or land for the following, and other types of, uses: car washes, motor vehicle lubrication and oil change, motor vehicle inspection, financial institutions, dry cleaners, restaurants, with one or more drive-through windows. Uses excepted from this definition include:

1. Inspections utilizing not more than one bay at a motor vehicle service station;
2. Fuel service components of motor vehicle service stations; and
3. The on-site parking of motor vehicles prior to servicing at motor vehicle service facilities.

**Duplex** means a building containing two dwelling units, arranged one above the other or side by side.

**Dwelling** means a building designed or used as the living quarters for one family, or more than one, (or family equivalent), to include cooking facilities.

**Dwelling unit** means one room, or more than one room, in a dwelling providing complete living facilities, to include cooking facilities, for one family (or family equivalent).

**Entertainment**, means audio, video, or other shows, acts, or amusements for the participation and/or benefit of public patrons. This term shall not include adult businesses.

**Event Space** means a facility that can accommodate groups gathering for specific purposes, which include, but are not limited to, dancing and live entertainment, weddings, conferences, exhibits and other gatherings.

**Family or family equivalent** means an individual living alone in a dwelling unit; or any of the following groups of persons living together and sharing living areas and using common cooking facilities in a single dwelling unit: two (2) or more persons related by blood, marriage, adoption or approved foster care; a group of not more than four (4) persons who need not be related by blood, marriage, adoption or approved foster care; a group home of no more than eight (8) residents; a group of not more than two (2) adults who need not be related by blood or marriage, and the children of each of the two (2) adults.

**Family day home** means a child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one child

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receives care for compensation. Use standards are defined specifically for 1-4 children, and for 5-12 children.

**Farmers market** means a market, sometimes in open air, at which farmers sell fruit, vegetables, meat, cheese, and/or bakery products directly to consumers. Farmers markets often include the use of temporary tents and canopies and may include the sale of handcrafted goods.

**Financial institution** means an establishment where the principal business is the receipt, disbursement or exchange of funds and currencies. Such establishments include banks, savings and loans, or credit unions, along with such accessory uses as automated teller machines. Drive-through windows/facilities are defined separately.

**Funeral home or mortuary** means an establishment for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. This term includes a funeral chapel.

**Garage, single-unit residential** means a private enclosed parking space that is either attached or detached from a single-unit residential structure.

**Garage, commercial** means an attached or detached parking structure that serves adjacent commercial, multi-unit residential, and general rental of individual spaces.

**Garage sale or yard sale** means and includes all general sales, open to the public, conducted from or on a residential premises used for family residential purposes only, in any residential zone as defined by this chapter, for the purpose of disposing of personal property including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea-market,” or “rummage” sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

**Government uses** means services and facilities operated by any level of government.

**Grocery** means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

**Home-based business**, sometimes known as home occupation, means any accessory use of a dwelling unit as a commercial use. See [§18-327](#) for use

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standards.

**Hotel** means any building or portion thereof that contains guest rooms that are designed or intended to be used, let, or hired out for occupancy on a transient basis and that, together, are intended to provide for accommodations for compensation to ten or more individuals at any given time. A hotel will be considered a commercial establishment.

**Indoor recreation** means a private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis clubs.

**Junkyard** means any land or building used for the abandonment, storage keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**Live/work dwelling** means a structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

**Manufacturing, artisan** means an establishment for the small-scale production, preparation, optional display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

**Manufacturing, light** means the processing or fabrication of materials or products provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building or if located outside, the area must be screened.

**Massage therapist** means one who practices massage therapy and complies with the application, investigation and training requirements of §22-5, §22-6, and §22-7, and the sanitation, hygiene and environment requirements applicable to health clubs as set forth in §22-10, §22-11, and §22-12; except such operation commenced in a residential zone shall not be required to comply with §22-12.

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**Massage therapy** means a profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy may be applied in response to physician prescription, but does not include diagnosis, except to the extent of determining whether massage therapy is indicated.

#### EDIT No. 26

**Medical care facility** means a ~~hospital, inpatient facility, free-standing emergency care facilities, or other medical treatment center served by ambulances on a regular basis. This definition excludes urgent care facilities without ambulance bays. facility concerned with the diagnosis, treatment, and care of human ailments and afflictions, including hospitals; dental services; medical services or clinics.~~ hospital, inpatient facility, free-standing emergency care facilities, or other medical treatment center served by ambulances on a regular basis. This definition excludes urgent care facilities without ambulance bays.

#### EDIT No. 27

**Medical office** means an office which provides physical or mental medical care, testing, or treatment on an outpatient basis ~~for stays of twenty-four (24) hours or less~~ by physicians, dentists, optometrists, and other healthcare practitioners licensed by the Commonwealth of Virginia.

#### EDIT No. 28

**Medical Testing Facility** means a facility set-up on a temporary basis to provide testing for a communicable disease. Blood donation shall not be considered a Medical Testing Facility.

**Mixed-use** means development that includes a mixture of residential and nonresidential use types.

**Multi-unit dwelling, or multiple-unit dwelling, or multi-unit residential use and/or complex** means a building or portion thereof, designed for occupancy by three or more families (or family equivalent) living independently of each other. The term does not include hotels, tourist camps, cabins or courts, trailer camps, motels or similar premises. Groups of three or more townhouses, owned as condominiums or offered for rent, may be considered as multiple- family dwellings.

**Model home sales or leasing office/trailer** means a house constructed to serve as a temporary sales office and as an example of the style of home that can be built in a given housing development.

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**Office** means a room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

**Outdoor dining (permanent and seasonal)** means the service of food and/or beverages from a restaurant use to diners seated in outdoor dining areas, including patios, sidewalks, and areas under canopy or awning.

**Outdoor display and sales** means retail sales operated in the open air, including sale items, garden plants, mulch, tires, bicycles, utility trucks or trailers, motor vehicles, boats, or home equipment sales, repair, or rental services. If a use fulfills the definition of vehicle sales and rental, it shall be considered vehicle sales and rental use.

**Outdoor parks and recreational uses, public** means of or relating to relaxation by the physical participation of persons in activities on public lands in the outdoors, sometimes conducted in, on, or about a track, court, field, lawn, course, preserve, pool-like area, or field house.

**Outdoor recreational uses, private** means of or relating to relaxation by the physical participation of persons in activities on private lands in the outdoors, sometimes conducted in, on, or about a track, court, field, lawn, course, preserve, pool-like area, or field house.

**Permitted use or by-right use** means that a proposed action may be approved administratively in the respective zoning district subject to all other applicable requirements of this Code being met.

**Portable storage container** means a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, or merchandise.

**Principal use** means the main or primary use of a building or lot.

**Production or processing** means the manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials. This term does not include uses that fulfill the definition of “manufacturing, light.”

**Public community center** means a community center facility where social, recreational, welfare, health, or child care services are provided to the general

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public by a public, quasi- public, tax exempt, or municipal agency.

**Public garage** means a building other than a private automobile garage where automobiles are parked or stored.

**Public use trailer or public use manufactured home** means a manufactured home used by public safety personnel and dedicated to public safety uses.

**Recycling drop-off facility** means a space or container allocated for collecting recyclable material, where recyclable material from households in the general vicinity are delivered to the space or container directly by members of such households.

**Religious assembly** means a church, synagogue, temple, mosque, or other building or structure that houses the sanctuary or principal place of worship of an organization devoted to the furtherance of religious ideals.

**Residence for manager or employee** means a dwelling unit for the use of an employee of manager that is accessory to a commercial or institutional use, such as the residence of a dean on a university campus or the residence of a night watchman at an industrial facility.

**Restaurant** means a commercial establishment, located inside an enclosed building, where meals are primarily prepared to order and served individually for consumption within such building to patrons seated at tables or counters, or in booths, or may be prepared for carry-out, or curbside pick-up. A snack bar or refreshment stand at a nonprofit community swimming pool, playground, playing field, park or similar recreational activity shall not be deemed to fall within the definition of a restaurant.

**Retail** means the sale of products from the premises to the general public in a facility.

**Ride share or taxi standing area** means an area for vehicles engaged in carpooling, ride share or taxi service, while picking up, dropping off, or waiting for passengers. Such areas are not intended to be used for long-term parking of vehicles.

**School (Elementary, Middle, and High)** means a location, building, or structure that houses or is used by a public school district or private organization for primary, or secondary educational instruction.

**Self-storage** means a facility that includes two or more individual units of 500

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square feet or less, each of which is rented solely to store household goods and personal effects as defined in Virginia Code §58.1-3504, tangible personal property employed in a trade or business as defined in Virginia Code §58.1-3503.A.17, and inventory of stock on hand as that term is used in Virginia Code § 58.1-3510.A.

**Services, general**, means a facility involved in providing services for an individual's property or pets including ancillary sales of products for the services. General services shall include, but not be limited to, the following: animal grooming; photocopy; sign-making; security service; drycleaning; taxidermy; repair services; or any similar use. General services does not include any adult use or veterinary services.

**Services, personal** means a facility primarily engaged in personal care of and services for an individual. Personal services shall include, but not be limited to, the following: salons; spas; barbershops; physical fitness centers; dance studios; martial arts studios; tattoo parlors; or any similar use. The term does not include any adult uses, massage therapy, or medical care.

**Shared kitchen** means an area approved as a commercial kitchen by the Fairfax County Health Department and designed and intended to be used for the cooking or preparation of food by more than one family or commercial entity. Shared kitchens are sometimes also known as incubator kitchens.

**Shelter, hypothermia prevention** means the provision of temporary housing to homeless or housing-insecure persons and/or the provision of ancillary services such as counseling and vocational training.

**Single-unit detached dwelling, or single-unit dwelling, or single-family dwelling, or one-unit dwelling** means a detached building designed or used exclusively for occupancy by one family (or family equivalent).

**Smoking lounge** means any facility, building, structure, or location, where customers consume tobacco or a similar legal smoking product.

**Specialized instruction** means a facility primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. This use does not include a childcare center, home day care facility, or health and exercise facility..

**Stable and riding, personal use**, means the lodging and care of horses, where such horses are used principally by the horses' owners.

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**Storage yard** means a location that is used for the storage of equipment, vehicles, machinery, materials, paints, pipe, or electrical components. If a use fulfills the definitions of this term and that of “building materials storage and sales,” it shall be considered a “building materials storage and sales” use.

**Temporary family health care structures** mean tents, canopies, or other temporary structures intended to protect health care workers from the elements while administering medical treatment, testing, counseling, or other services to the general public.

**Townhouses** means a series of attached, single-family dwelling units developed in groups or clusters and separated and attached to/from one another by continuous vertical party walls without openings from basement to roof, and having diversified architectural facades, roofs, and treatment of materials.

**Trailer, public use**, means a trailer used by the Town or the county public schools and dedicated to providing services to the public.

**Trailer, residential use**, means a structure standing on wheels or capable of being towed or hauled by another vehicle, and used or intended to be used as a short-term dwelling.

**Transient occupancy** means occupancy for periods of not more than thirty (30) days.

**Two-unit attached dwelling**: See Duplex.

**Upper story residential** means a dwelling unit located exclusively on the second floor and/or higher floors of a multi-story building, although entranceways, stairways, or other accessways to the upper-story residences may be present on the first floor of the building.

**Use** means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

**Use, temporary** means a use established for a fixed period of time with the intent to discontinue the use upon the expiration of time.

**Utility facility** means all lines and facilities related to the provision,

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distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

**Vehicle charging station** means the location and facility for the charging of an electric vehicle.

**Vehicle fueling station** means the location and facility for retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. May include the sale of propane or kerosene as accessory uses. May include the sale of food, drinks, and consumer goods as an accessory use.

**Vehicle repair and maintenance** means a business, service, or industry where the maintenance, repair, servicing, or painting of vehicles is conducted or rendered.

**Vehicle sales and rental** means the display, sale, rental, or leasing of motor vehicles, including any repair services accessory to the principal vehicle sales and rental use.

**Veterinary** means an establishment used for the care, observation, or treatment of animals, but not for their sale or distribution.

**Warehouse** means the storage of goods with little on-site sales activity to customers, including bulk storage of nonflammable liquids, feed and grain, frozen food, general freight, retail store products such as furniture or appliances, sand, gravel, or other aggregate materials, or any similar use. If a use fulfills the definition of warehouse and storage yard, it shall be considered a storage yard.

**Wholesale** means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale is not considered a retail use.

**Wireless facility** means telecommunications antennas and associated equipment that may or may not include a tower, dish or other supporting structure, designed to send and receive data signals.

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**EDIT No. 29**

**Section ~~18-903~~ 18-904 How to Measure Sign Area and Dimensions**

*[The section number is changing. No other text changes are proposed within this section at this time.]*