

SECTION 1. DEFINITIONS

A. [Terms defined.]

For the purposes of this ordinance certain terms and words used herein shall be defined and interpreted as follows.

The word "used" includes "designed, intended or arranged to be used" and vice versa; words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Accessory building. Same as "Building, accessory."

Accessory Dwelling. Same as "Dwelling, Accessory" (Ord. No.08-06, 1-1-2009)

Actual height of the building. The term "actual height of the building" as used in said regulations with respect to the location of signs shall not be deemed to include any part of the building that consists of a sign structure or that is erected for the primary purpose of displaying a sign.

Airport or aircraft landing field. Any landing area, runway or other facility designed, used or intended to be used, either publicly or [privately], by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley. A public thoroughfare less than thirty (30) feet wide.

Alteration, structural. Any change which would tend to prolong the life of the supporting members of a building or a structure, such as bearing walls, columns, beams or girders.

Apartment. Same as "Dwelling unit."

Apartment house. Same as "Dwelling, multiple."

Application: an application is a document submitted to the County in an effort to obtain permission under the Arlington County Zoning Ordinance to proceed with a particular action. Examples of such actions include, but are not limited to: site plan, use permit, variance, appeals, administrative changes, and the like. Applications may include requests for buildability letters, zoning determinations, second sink letters, accessory dwellings, family suites, etc. (Ord. No. 09-03; 4-28-09)

Automobile service station. (Deleted, Ord. No. 10-01, 4-27-2010).

Automotive wrecking. The dismantling or wrecking of used vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half (1/2) of its height is above the average level of the adjoining ground.

Bed and Breakfast. A one-family dwelling with five (5) or fewer guestrooms available as overnight accommodations for compensation to guests for no more than fourteen (14) consecutive days per stay. A bed and breakfast has no cooking facilities for use by the guests and is operated by a resident owner. Bed and Breakfasts are regulated by Subsection 31.A.14., Subsection 34.F.3., Subsections 36.D., Type II.1.d. and j., and Subsections 36.G. and H. of this Zoning Ordinance.

Billboard or poster panel. (Deleted, Ord. No. 90-39, 2-15-91)

Board. The Board of Zoning Appeals.

Boardinghouse. A building where, for compensation, meals or lodging and meals, are provided for three (3) or more, but not exceeding nine (9) guests. Compensation may be paid daily, weekly or monthly. (5-22-76)

Buildable area. The area of a lot within which a structure can be placed and remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met, less any area needed to meet the minimum requirements for streets, sidewalks or other similar public improvements. (Ord. No. 90-14, 6-28-90)

Building. An enclosed structure anchored to its foundations and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by walls without openings, each portion or section of such building shall be regarded as a separate building.

Building, accessory. A detached subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Building, community. A building for social, educational and recreational activities of a neighborhood or community, provided any such use is not operated primarily for commercial gain.

Building group. Two (2) or more buildings, including multiple dwellings, grouped upon a lot and held under single ownership, such as universities, hospitals and institutions.

Building height.

(1) *In-all "R" Districts, not including "RA" Districts:* The vertical distance measured at the existing grade of the lot at the perimeter of the building to the highest point of the roof surface, if a flat roof, to the deck line of mansard roof and to the mean height level between eaves and ridge for gable, hip or gambrel roof. The vertical distance shall be calculated by averaging the above-described distance at four (4) points at the perimeter of the building. The four (4) points shall include two (2) points each on the front and rear of the building, at the points closest to the applicable side lot lines.

(2) *In all other districts:* The vertical distance measured from a calculated average elevation of the existing or officially approved grade of the site at the perimeter of the site to the highest point of the roof surface, if a flat roof, to the deck line of mansard roof and the mean height level between eaves and ridge for gable, hip or gambrel roof. However, no wall or any structure in any zoning district shall be exposed more than two (2) stories more than the number permitted for that district. (Ord. No. 00-20, 8-1-00)

Building line. A line which delineates a required minimum yard of the lot. See "setback area" and "buildable area." (Ord. No. 90-14, 6-28-90)

Building, main. A building in which is conducted the principal use of the lot on which it is situated.

Building Tower Coverage. The gross floor area of the largest single floor above the fifth floor of a building expressed as a percentage of a site's buildable area. When applied across multiple buildings, the numerator shall be the total arrived at by adding together the areas, for each building, of the largest single floor above the fifth floor. (Ord. No. 11-03, 12-10-2011)

Building Tower Separation. The space between the portions of two buildings as measured above the fifth floor, expressed as the shortest horizontal dimension between the exterior building facades. (Ord. No. 11-03, 12-10-2011)

Build-to Line. A line established along a street frontage extending the full width of the lot, either on or setback from the right-of-way line, that defines the block face and establishes building placement. (Ord. No. 09-04, 4-25-2009)

Bulk Plane Angle. An imaginary inclined plane rising over a lot, that begins at a specified height along a build-to line and slopes back at a specified angle from horizontal over the lot, and which when required, together with other bulk, coverage, and placement requirements for a specific district, delineates the maximum bulk of any improvement which may be constructed on the lot. (Reference "Positioning the Bulk Plane" illustration in Map 25C.5) (Ord. No. 11-03, 12-10-2011)

Campground. Same as "Tourist camp."

Camp, trailer. Same as "Tourist camp."

Certificate of Appropriateness (CoA). A certificate issued by the Historical Affairs & Landmark Review Board, or its designee, or on appeal, the County Board, authorizing alteration, construction, relocation, restoration, grading, or demolition of any building, sign, appurtenance, structure, object, parcel of land or building located within a locally designated historic district and, separately, properties governed by the Columbia Pike Form Based Code ordinance. (Ord. No. 09-10, 12-12-09)

Child care center. Any facility, but not including family day care homes, operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during only part of the twenty-four (24) hour day, and that complies with the requirements of Chapter 52 of the Arlington County Code. Every child care center shall have a use permit as required in Section 5 of the Arlington County Zoning Ordinance. (Ord. No. 93-15, 7-27-93)

Commercial vehicle. The following vehicles:

- (a) Any vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more.
- (b) Any vehicle designed to carry in excess of sixteen (16) passengers, including the driver.
- (c) Any vehicle designed primarily to tow, transport, or carry motor vehicles.
- (d) Any vehicle operated or used for rent or for hire for the transportation of passengers or as a property carrier for compensation, other than taxicabs.
- (e) Any vehicle or trailer designed to sell food or merchandise directly from the vehicle or trailer itself.
- (f) Any tractor truck or semitrailer.

Provided, however, the following shall not be considered commercial vehicles:

- (a) Any vehicle owned by the United States Government, or the Commonwealth of Virginia, or a political subdivision thereof and used solely for government purposes.
- (b) Any farm tractor when located on property used for agricultural purposes;
- (c) Any motor home or camping trailer when used by an individual solely for personal recreational purposes and not for hire; and
- (d) Any vehicle used exclusively for the transportation of persons to and from a school or building whose principal uses require an occupancy permit to house meeting rooms such as community meeting buildings, lodges, and places of worship, or activities related to the school or the use requiring such occupancy permit.

Terms used in this definition, which are defined in Virginia Code § 46.2-100, shall have the meanings set forth in that Section. Commercial vehicles shall be parked in accordance with Section 31, subsection A.3, unless a use permit is obtained in accordance with Section 5, subsection A, and Section 36, subsection G. (Ord. No. 92-55, 12-12-92; Ord. No. 966, 5-11-96)

Commission. Shall mean the County Planning Commission of Arlington, Virginia.

Convenience service area. In a singular apartment building containing over two hundred (200) units, one

- (1) small portion of the total floor area used only as a service for persons living therein, provided:
 - a. There are no window displays or advertisements.
 - b. There is no entrance to shops except from inside the building.
 - c. There is no sign advertising such shop or service that shall be visible from outside the building.
 - d. Commodities or services offered shall be limited to only those under the general classification of groceries, drugs, beauty shop and valet service.
 - e. There are no deliveries made from the shop outside of the building or project.
 - f. Not over one (1) percent of the total gross floor area is used for such purposes, including the storage of merchandise; such use shall be confined to the ground floor or basement levels.

Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

Court, inner. A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

Court, outer. A court the full width of which opens onto a required yard, or street or alley. The width of an outer

court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

Crystal City Block Plan (CCBP). A general, long-range plan for blocks located in Crystal City, east of Jefferson Davis Highway, that depicts existing and proposed general building locations, land use mix, tower coverage, transportation and other infrastructure, public open spaces and facilities, and utilities in order to support the coordinated, incremental redevelopment of properties in Crystal City and to achieve the preferred future vision outlined in the Crystal City Sector Plan. (Ord. No. 11-03, 12-10-2011)

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for reversal of traffic movement. (Ord. No. 86-9, 5-17-86)

Curb grade. The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the highway engineer shall establish such curb grade or its equivalent for the purpose of the ordinance.

Density credit. An amount of density assigned to a lot or site as permitted in section 36, subsection L. Such density credit shall be based on the square footage of land area dedicated or conveyed, without other compensation, to the County Board for public purposes. Such density shall be expressed as a number of square feet of land area that may be used to calculate additional gross floor area permitted on a lot or site when multiplied by the floor area ratio or units per acre permitted by the Zoning Ordinance in the zoning district for the lot or site. (Ord. No. 00-16, 6-10-00)

Dormitory. A residence for groups who are associated with an organization such as a school or a university, a religious order, a health care program or a nonprofit, charitable, benevolent, or governmental agency providing shelter for needy persons or persons who are objects of the agency's charitable, benevolent, or governmental activity, which institution customarily provides housing quarters with a single kitchen and living area for the group and may include groups residing with one (1) or more resident counselor(s) or other staff person(s). Said residence shall not be operated primarily for commercial gain. (Ord. No. 90-23, 7-11-90)

Dwelling. A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses and rooming houses.

Dwelling, Accessory. A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than two (2) persons for living purposes and meeting the standards of Subsection 31.A.19. (Ord. No.08-06, 1-1-2009)

Dwelling, duplex. A two-family dwelling with one (1) dwelling unit above the other, having a single front entrance or one (1) front and one (1) side entrance on the first floor level and all exterior characteristics of a one-family dwelling; provided an outside, enclosed stairway located parallel and adjacent to the rear of the dwelling shall be permitted for direct access to the second floor level.

Dwelling, multiple-family. A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Dwelling, one-family. A detached building designed exclusively for occupancy by one (1) family.

Dwelling, row. (Deleted 5-14-77)

Dwelling, semidetached. A two-family dwelling with one (1) dwelling unit beside the other, separated by a common party wall without openings.

Dwelling, town house. One (1) of a series of three (3) or more attached similar dwelling units separated by common party walls without openings extending from basement to roof. (5-14-77)

Dwelling, two-family. A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex or a semidetached dwelling.

Dwelling unit. One (1) or more rooms designed, arranged, used or intended for occupancy by one (1) family for living purposes and having:

- (a) Separate cooking facilities for the exclusive use of the occupants; or
- (b) Any separate entrance thereto either by an exterior door serving said rooms exclusively or by a common hall, stair or entry way. (8-25-81)

Educational institution. A college or university giving general academic instruction equivalent to the standards prescribed by the state board of education.

Emergency services. Any service offered by any person, firm or corporation reasonably necessary to preserve the health, safety and property values of individuals or the community at large.

Enclosed. Any roofed-over structure or attachment to a structure is enclosed if sides (other than the side or sides where a structure is attached to a main building) are more than forty (40) percent enclosed with any material other than customary wire or mesh screening.

Exterior Features. Shall include the architectural style, general design and general arrangement of the entire exterior envelope of a building structure, site, or object, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and other natural features. In the case of signs, "Exterior Features" shall be construed to mean the style, material, size and location of all such signs. (Ord. No. 09-10, 12-12-09)

Family:

- (a) An individual, or two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or
- (b) A group of not more than four (4) persons (including servants) whether or not related by blood or marriage living together and sharing living areas in a dwelling unit; or
- (c) A group of up to eight (8) mentally ill, mentally retarded or developmentally disabled persons who are residing with one (1) or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services of the Commonwealth of Virginia. For the purposes of this ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia or its successor. (Ord. No. 9023, 7-11-90)

Family day care home. Any dwelling unit where nine (9) or fewer children not related by blood, adoption, or marriage to the person who resides in and maintains the home are received for care, protection, and guidance during only part of the twenty-four (24) hour day, on a regular basis, for a minimum of ten (10) hours per week, and that complies with the requirements of Chapter 59 of the Arlington County Code. Every family day care home shall have a certificate of occupancy for that property as required in Section 36.D. of the Arlington County Zoning Ordinance. (Ord. No. 93-15, 7-27-93)

Family/caregiver suite. Not more than two (2) rooms plus a bathroom and "efficiency" kitchen in a dwelling that are designed, arranged, used or intended for occupancy by either not more than two (2) persons who are related by blood or marriage to the principal occupant of the dwelling or no more than two (2) persons who may be unrelated to the principal occupant of the dwelling, at least one (1) of whom provides care for one or more children of the principal occupant of the dwelling or care for or assistance to one (1) or more elder(s) or person(s) with disabilities who are occupant(s) of the main dwelling. The suite shall be designed so that it can function as an integral part of the dwelling although the occupants may live independently of each other. (Ord. No. 85-23, 7-13-85; Ord. No.08-06, 7-19-2008)

Floor area ratio. The gross floor area of all buildings on a lot divided by the lot area. (Ord. No. 90-14, 6-28-90)

Food catering service. The activity of providing food or beverages or both, along with the necessary accessories for serving these products for social, institutional or business events at sites off the business establishment's premises. Food or beverages prepared for ordinary meals or for individual consumption is not catering and when delivered would be a food delivery service. (Ord. No. 88-19, 11-22-88)

Food delivery service. Any establishment which prepares food and beverages to fill orders from off the site where the order is taken for delivery to off-site locations for customers as prepared and delivered. (Ord. No. 88-19, 11-22-88)

Frontage. All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural barriers.

Garage, private. (Deleted, Ord. No. 83-9, 3-19-83)

Garage, public. (Deleted, Ord. No. 10-01, 4-27-2010).

Gross floor area. The sum of the area of the horizontal surface of the several floors of a building measured from the exterior faces of exterior walls, to include all floor area not defined as gross parking area.

Gross parking area. The sum of the ground surface area actually used for parking spaces and the area of the horizontal surface of the several floors of a building, measured from the exterior faces of exterior walls, devoted to off-street parking, loading and maneuvering space including all corridors, air shafts, elevators, stairwells and toilets incidental thereto, but not including area devoted to permitted and accessory uses other than parking and loading.

Guest. Any non-family member who is invited to occupy a dwelling unit or accessory building by the occupying family, without compensation, for not more than thirty (30) days in any one (1) calendar year. This definition shall not apply to hotel or guest room as defined in this ordinance. (Ord. No. 86-29, 10-18-86)

Guest house. Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Guest room. A room which is designed or intended for occupancy by one (1) or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes. Each guest room shall be not less than two hundred forty (240) square feet. Every guest room having direct access to a common corridor shall constitute one (1) hotel or motel unit. (7-9-69)

Historic District. A landmark, building, structure, property, land or area in which historic events occurred or having special public value because of notable architecture, archaeology, or other features relating to the cultural or artistic heritage of the community, and that is included within an overlay zoning district as established by Ordinance adopted by the County Board in accordance with Section 31A of this Ordinance. Such overlay district shall not have boundaries that extend farther than the property line of the land pertaining to such district. (Ord. No. 09-10, 12-12-09)

Historic District Design Guidelines. Those guidelines intended to guide and inform the decisions of the Historical Affairs and Landmark Review Board with regard to alterations to the exterior features of a locally designated historic district. (Ord. No. 09-10, 12-12-09)

Historic Landmark. Historic Landmarks shall be those properties listed on the *Virginia Landmarks Register*, as established by the Virginia Board of Historic Resources, and those properties established as such by the County Board on its own motion. (Ord. No. 09-10, 12-12-09)

Home occupation. An occupation conducted as an accessory use in or from a residential dwelling or its accessory building by persons whose principal residence is on the premises which has no more effect on adjacent property than normal residential use. Home occupations include those uses as permitted and regulated in Section 31, subsection A.12. (1-7-81)

Hotel. Any building or group of buildings, containing ten (10) or more guest rooms, and/or dwelling units which are intended, used, or designed to be rented, let, or hired out for compensation by automobile tourists or other transients, whether such compensation be paid directly or indirectly. This shall include motels, motor hotels, tourist courts, motor lodges, and the like. Daily or weekly rental of units or any sign on the premises making reference to other than monthly rates shall be considered prima facie evidence that a building containing ten (10) or more guest rooms and/or dwelling units is a hotel and subject to all hotel restrictions and ordinances. (5-22-76)

Hotel unit. Same as guest room. (8-25-81)

Inoperative vehicle. Any motor vehicle, trailer or semi-trailer which is not in operating condition, or which for a period of ninety (90) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle. An inoperative vehicle shall also be considered a vehicle with an observable condition which indicates a state such that it is economically impractical to make such vehicle operative within a reasonable period of time, or which constitutes a health, fire or safety hazard. (Ord. No. 85-43, 2-1-86)

Institutional home. A place for the care, including day care, of dependent children and persons needing assistance in the activities of normal daily living because of age or disability. (7-30-77)

Junk. Worn-out and discarded material in general that may be turned into some use; odds and ends; old iron or other metal, glass, paper, cordage, old bathroom fixtures, old rubber and old rubber articles, or other waste or discarded material which may be treated or prepared so as to be useful again in some form; rubbish of any kind, including but not limited to old rope, chairs, iron, copper, parts of machinery, bottles, paper, rags; and parts of used automobiles having only a salvage value. (Ord. No. 85-43, 2-1-86)

Junkyard. Any land or open structure used for the collection, keeping, storage or abandonment of junk, or inoperative vehicles, whether or not the items are available for sale or trade. (Ord. No. 85-43, 2-1-86)

Kennel. Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

Kiosk. A free-standing structure which is: one-story (no more than ten (10) feet to the eaves); no greater than 150 square feet in area; and constructed predominantly of materials such as glass, wood, plastic, metal or fabric. Any area occupied by a kiosk shall not be used in the calculation of floor area ratio. (Ord. No. 08-05, 07-21-2008)

Large Format Sales Establishment. A use for which one Certificate of Occupancy is to be sought or issued and that either occupies 50,000 square feet or more on any one level or provides 200 or more parking spaces dedicated to that use. This definition shall include uses where the primary activity is the sale of any combination of food, merchandise, and/or personal and business services (personal and business services include banks, dry cleaners, ticket agencies, hair salons, shoe repair, watch repair, photo copying, fitness centers, and other uses that are similar in character, as determined by the Zoning Administrator) for use or consumption by a purchaser. A Large Format Sales Establishment shall not be deemed to include "vehicle dealership, sales, or rental lot" or "vehicle service establishment". (Ord. No. 11-02, 10-15-2011)

Limited access highway. A highway especially designed for through traffic over which abutters have no easement or right of light, air or access to by reason of the fact that their property abuts upon such limited access highway. (8-18-79)

Loading space. Any off-street place available for the loading or unloading of goods, not less than twelve (12) feet wide, twenty-five (25) feet long, and having a minimum vertical clearance of fourteen (14) feet, and having direct usable access to a street or alley.

Lot. A designated parcel, tract or area of land having its principal frontage upon a street or a place permitted under the subdivisions ordinance and established by plat or subdivision. (Ord. No. 90-14, 6-28-90) (7-11-06)

Lot area, minimum. The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district, providing that no part of the minimum requirement may be met by using an area that is also counted for the minimum requirement of some other provision of the Zoning Ordinance or the subdivisions ordinance. (Ord. No. 90-14, 6-28-90)

Lot, corner. A lot, or portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five (135) degrees.

Lot Coverage: The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the total footprints of accessory buildings [counting only buildings with footprints larger than one hundred fifty (150) square feet, or with heights of two stories or more]; and (3) parking pads and driveways; by (b) the gross area of that lot. (11-15-05)

Lot depth. The distance between the front and rear lot lines, measured along a straight line connecting the midpoint of the front lot line and the midpoint of the rear lot line. (Ord. No. 90-14, 6-28-90; Ord. No. 00-23, 10-10-00)

Lot frontage. Where a front lot line runs along a straight line along the street right-of-way line, lot frontage shall be the front lot line. Where the front lot line includes an angle or curve along the street right-of-way line, the lot frontage shall be a straight line connecting the points where the two (2) side lot lines meet the street right-of-way line. (Ord. No. 00-23, 10-10-00)

Lot, front of. (Deleted, Ord. No. 90-14, 6-28-90)

Lot, interior. A lot other than a corner lot.

Lot line. A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public or private space. (Ord. No. 90-14, 6-28-90; Ord. No. 00-23, 10-10-00)

Lot line, front. That lot line, or combination of line segments, fronting a street or the legally required access to the lot. On a corner lot, it is the shortest of those lot lines which front a street. Where a corner lot has equal frontage on two (2) or more streets, the front lot line will be the lot line on that street on which the greatest number of lots front within the block. (Ord. No. 90-14, 6-28-90; Ord. No. 00-23, 10-10-00)

Lot line, rear. That lot line which is most distant from, and most nearly parallel with to, the front lot line lot frontage. In addition, the rear lot line shall comply with the following requirements: i) If the lot line that is most distant from the front lot line is a different line from the lot line that is most nearly parallel to the front lot line, then the rear lot line shall be the line whose use results in a greater lot depth. Where two (2) lot lines are equidistant from and equally parallel to the lot frontage, then the point where those two (2) lines intersect shall be used in place of the rear lot line midpoint to measure lot depth. ii) Where two (2) lines are equally distant from and equally parallel to the lot frontage, both lines shall be used to establish the rear yard. (Ord. No. 90-14, 6-28-90; Ord. No. 00-23, 10-10-00)

Lot line, side. Any lot line other than a front or rear lot line. Where two (2) or more side lot lines are adjoining, they shall be treated as segments of an entire side lot line. (Ord. No. 90-14, 6-28-90; Ord. No. 00-23, 10-10-00)

Lot, pipe-stem. A residential lot that complies with the minimum requirements for frontage, lot area, lot width, lot depth, and building placement in the zoning and subdivision ordinances, and that has a narrower "stem" portion, which does not meet the lot width requirement but provides the required frontage and access to a generally larger and more buildable "pipe" portion of the lot. (Ord. No. 90-14, 6-28-90; 3-18-03)

Lot, Split-. A residential lot that is created under Subsection 31. A.15. Split-Lot Residential Development of the Zoning Ordinance. (3-18-03)

Lot, through. An interior lot having frontage on two (2) parallel or approximately parallel streets. (Ord. No. 90-14, 6-28-90)

Lot, transitional. See "transitional site." (Ord. No. 90-14, 6-28-90)

Lot width. (Deleted, Ord. No. 00-23, 10-10-00)

Lot width, minimum. The distance determined by dividing the lot area by the lot depth. Where a lot area exceeds the required minimum area for its particular zoning district, the minimum lot width may be computed within the boundary of a portion of the lot that meets the minimum lot area requirement. In that case, the front and/or rear lot line that is substituted for the original front or rear lot line must be parallel to the original front or rear lot lines, respectively. The midpoint lot width shall be measured at right angles to the lot depth line at its midpoint. (Ord. No. 00-23, 10-10-00)

Lot width, minimum average. (Deleted, Ord. No. 00-23, 10-10-00)

Low or moderate income. Income at or below sixty (60) percent of median household income for rental housing units, and at or below eighty (80) percent of median household income for home ownership program. As used herein, median household income shall be defined as determined from time-to-time for the Washington Metropolitan Statistical Area by the U.S. Department of Housing and Urban Development.

Main Building Footprint: The main building footprint shall include all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, attached garages, bay-windows with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

Main Building Footprint Coverage: The percentage determined by dividing that area covered by a main building footprint in square feet by the gross area of the lot in square feet on which the main building is located.

Nonconforming building. A building or structure or portion thereof lawfully existing at the time this ordinance became effective, which was designed, erected or structurally altered for a use that doesn't conform to the use regulations of the district in which it is located.

Nonconforming use. A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery school. Any place, however designated, operated for the purpose of providing training, guidance, education, or care for six (6) or more children under six (6) years of age, during any part of the day other than from 6:00 p.m. to 6:00 a.m., including kindergartens, but not including family day care homes. (Ord. No. 93-15, 7-27-93)

On-site. Located on the property that is the subject of an application for development. (Ord. No. 90-14, 6-28-90)

Open-air market. An outdoor market held on a regular basis, and at which groups of individual sellers offer goods, new or used, for sale to the public. Open-air market shall not include garage sales not held on a regular basis, outdoor display or sales associated with retail establishments that are principally located in indoor facilities, or motor vehicle dealerships. (Ord. No. 01-3, 2-10-01)

Outlot. A unit of land not usable as a building site and substandard to the Zoning Ordinance. (Ord. No. 90-14, 6-28-90)

Parking area, private. An off-street area of land or space within a building used for the parking of motor vehicles used by persons at a site in order to use the land for the purposes for which the parking is provided. Any parking required by this ordinance shall be considered to be a private parking area, except that any parking in "C" or "M" Districts in excess of that required by this ordinance shall be considered to be a public parking area. (1-19-60; Ord. No. 83-9, 3-19-83; Ord. No. 92-35, 8-8-92)

Parking area, public. An open off-street area of land or space within a building, other than a private parking area, used for the parking of motor vehicles which is available for general public use. (1-19-60; Ord. No. 83-9, 3-19-83)

Parking area, transitional. An off-street area of land which is a transitional site and which is used as a private surface parking area but not for the provisions of parking required by this ordinance. (Ord. No. 83-9, 3-19-83)

Parking space. An off-street place:

- (a) Available and useable for the parking of one (1) motor vehicle;
- (b) With a vertical clearance of not less than seven (7) feet; and
- (c) Having usable access to a street or alley. (6-25-77; Ord. No. 83-9, 3-19-83)

Person in Charge. The owner of a property or improvements thereon, as shown on the land records of the Clerk of the Circuit Court of Arlington County, and/or any other person having the ability to manage or control the property or

improvements, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person directly or indirectly in control of an improvement or improvement parcel. (Ord. No. 09-10, 12-12-09)

Principal office. A place of work, which is normally independent from place of residence, that is routinely occupied during scheduled working hours by the practitioner, including employees, for the purpose of meeting with clients and customers, display of merchandise, and sale of goods and services. (1-7-81)

Recycling center.

- (a) A place open to the public for the drop-off, collection, and interim storage prior to off-site processing and recycling of newspapers, corrugated papers, glass bottles, metal cans, plastic products, and other similar materials, and for associated parking spaces; and
- (b) A place open to the public for the pick-up of leaves, wood chips, fill dirt, and other similar materials, and to Arlington County agencies for the collection and interim storage of these materials. (1-12-74; Ord. No. 90-31, § 1, 10-6-90; Ord. No. 95-4, 4-1-95)

Remnant. See "outlot." (Ord. No. 90-14, 6-28-90)

Restaurant. Any establishment which provides the sale of food and beverages in a state ready for consumption on the premises by customers at conventional tables, booths or counters within the establishment. (Ord. No. 88-19, 11-22-88)

Restaurant carry-out. Any restaurant which provides food and beverages primarily for consumption off the premises. (Ord. No. 88-19, 11-22-88)

Restaurant, drive-through. Any establishment which is constructed to sell, or sells food and beverages to customers who are in a motor vehicle. (Ord. No. 88-19, 11-22-88)

Rooming house. Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by three (3) or more, but not exceeding nine (9) individuals for compensation, whether the compensation be paid directly or indirectly. Compensation may be paid daily, weekly or monthly. (5-22-76)

Row house. Same as "Dwelling, row."

School, elementary and high. An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Virginia. High schools include junior and senior.

School of higher instruction. A college or university giving general academic instructions according to standards equivalent to those prescribed by the State Board of Education of the State of Virginia. See "educational institution."

Self-service storage facility. A facility which consists of two (2) or more individual units of five hundred (500) square feet or less, each of which is rented solely to store household goods and personal effects as defined in Virginia Code Section 58.1-3504, tangible personal property employed in a trade or business as defined in Virginia Code Section 58.1-3503.A.17, and inventory of stock on hand as that term is used in Virginia Code Section 58.1-3510.A. Within the area recorded as a self-service storage facility, any activity other than rental of storage units and pick up and deposit of goods being stored is prohibited, including the storage of motor vehicles and motorized boats, and the storage of radioactive materials, explosives, and flammable or hazardous materials or chemicals. (Ord. No. 91-33, 9-14-91)

Setback. The distance which a building is required to be "set back" from a lot line or from the nearest building or structure. (Ord. No. 90-14, 6-28-90)

Setback line. Either:

- (1) A line parallel to the street line at a distance therefrom, equal to the required depth of the front yard;
- or,
- (2) The setback required from any lot line which defines the buildable area of the lot.

See "building line." (Ord. No. 90-14, 6-28-90)

Sign. (Deleted, Ord. No. 90-39, 2-15-91)

Sign area. (Deleted, Ord. No. 90-39, 2-15-91)

Sign lighting. (Deleted, Ord. No. 90-39, 2-15-91)

Standing space. One (1) off-street place no less than nine (9) by twenty (20) feet with a vertical clearance of not less than seven (7) feet for the temporary waiting in line of one (1) automobile for service or delivery of goods to the automobile or its occupants at another place on the premises.

Step-back. An area of the façade above the first floor, of a building or structure that is located a set distance further back from the façade or story below it. (Ord. No. 09-04, 4-25-2009)

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it; or, if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

Street. A public thoroughfare, thirty (30) feet or more wide, including any public interest in land (e.g., fee or easement) for street purposes. The side lines of such road, easement, or other right-of-way shall be the street right-of-way line. This shall be the case even where fee title to land adjacent to a street extends into the road, street easement, or other street right-of-way.

Street width. The horizontal distance between the side lines of a street, measured at right angles to the side lines.

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Swimming pools, commercial. An artificial pool of water, including auxiliary structures, dressing and locker rooms, toilets, showers and other areas that are operated for gain, including hotel pools.

Swimming pools, community--nonprofit. Swimming pool, community--nonprofit, as used in this ordinance shall mean an artificial pool of water and may include such auxiliary structures as dressing and locker rooms, toilets, showers, as well as other areas and enclosures that are intended for the use of the members and their guests using the pool, but shall not include pools with auxiliary structures and equipment at private residences intended only for the use of the owner and guests.

Swimming pools, private. An artificial pool of water located on the same lot as a single-family residence and intended for private and noncommercial use by persons residing therein and their guests only.

Tourist camp. Land used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers, tents or moveable or temporary dwellings, rooms or sleeping quarters of any kind; the parking or supporting by a foundation of two (2) or more trailers will be termed a tourist camp.

Tourist home. A dwelling in which room or board or both are offered to the traveling public for compensation, with on-site management, not more than nine (9) rooms in said dwelling being used for said purposes, with no individual cooking facilities, available to transient guests, in contradistinction to a boardinghouse or rooming house.

Trailer. A residence, house car, camp car or street car or any unit enclosing habitable space, which is or was designed to be mobile, which is used, or may be used for residential, commercial, hauling or storage purposes or as an accessory building, including the following only when used for a dwelling: a travel or recreation trailer of less than thirty (30) feet in length and less than eight (8) feet in width, including a pickup coach, a utility trailer or tent trailer as is commonly used for camping and a mobile trailer which is propelled by its own power.

Trailer camp. Same as "Tourist camp."

Transitional site. A lot or part thereof located in an "R," "S-3A" or an "RA" District and lying within a distance of two hundred (200) feet from the boundary of a "C" or an "M" District when such lot or part thereof:

- (a) Lies contiguous to such boundary but not across any part of a street therefrom; and
- (b) Is not contiguous at more than one (1) lot line to a side lot line in an "R," "S-3A" or "RA" District. (12-2-78)

Transitional use. A use permitted on any transitional site under the regulations for the district but not permitted elsewhere in the district except on transitional sites, and subject to all other regulations for the district.

Use. 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.

Vehicle body shop. Any premises where vehicle body work; straightening of body parts; painting; welding; upholstering or other similar work is performed on vehicles. Vehicle service establishment uses may be permitted as part of a vehicle body shop, however, vehicle body shop shall not be deemed to include vehicle dealership, sales or rental lots, vehicle storage lots or automotive wrecking. (Ord. No. 10-01, 04-27-2010).

Vehicle dealership, sales or rental lot. Any land or building where two (2) or more vehicles of any kind that are in operating condition are:

- (a) Offered for sale or rent;
- (b) Displayed for sale or rent; or
- (c) Stored prior to sale or rent. (Ord. No. 85-43, 2-1-86; Ord. No. 86-10, 11-15-86; Ord. No. 10-01, 04-27-2010)

Vehicle service establishment. Any premises where the following or other similar activities are conducted:

1. Sales of vehicle fuel and oil at retail direct to the customer;
2. Tire sales, servicing and repair, but not recapping or regrooving;
3. Routine vehicle maintenance, including but not limited to greasing, lubrication, and radiator flushing, and replacement of parts, including but not limited to spark plugs, mufflers, windshield wipers and the like, and sales of related vehicle parts;
4. Mechanical and electrical repairs, including but not limited to servicing and replacement of motors, drive trains, and related parts, as well as vehicle air conditioning, and sales of related vehicle parts;
5. Emissions and safety inspections;
6. After-market installation and sale of items such as vehicle audio or security systems, but not body work;
7. Sales of beverages, snack foods, and other retail merchandise as an accessory use. The area devoted to retail merchandise sales shall not exceed 400 square feet of gross floor area, which shall include the cashier's area and space used for the display of sale items, to include cooler space, but not to include storage areas.

Vehicle service establishment uses shall not include vehicle body shop; vehicle dealership, sales or rental lots; vehicle storage lots; or automotive wrecking. (Ord. No. 10-01, 04-27-2010)

Vehicle storage lot. Any land or building where two (2) or more wrecked, abandoned or impounded vehicles of any kind are stored prior to repair, disposal, claim or sale, but does not include the repair, wrecking, dismantling or salvaging of said vehicles or their parts. (Ord. No. 85-43, 2-1-86; Ord. No. 86-10, 11-15-86; Ord. No. 10-01, 04-27-2010)

Yard. An open space, other than a court, on a lot, which space:

- (1) Either:
 - (a) Lies between a lot line and a building, a building group, or a use not involving a building, or
 - (b) On a vacant lot lies contiguous to a lot line and has a uniform depth or width, as the case may be, equal to the minimum depth or width of yard required under the regulations for the district in which is situated the lot on which such yard is located; and
- (2) Is unoccupied and unobstructed from the ground upward except for certain features specified in Section 32. The depth or width of a yard, as the case may be, shall be measured from the nearest point of the building, building group or use not involving a building to the nearest point of the lot line bounding the yard. (Ord. No. 90-14, 6-28-90)

Yard, front. A yard extending across the full width of the lot and lying contiguous to the front lot line. (Ord. No. 90-14, 6-28-90)

Yard, rear. A yard extending the full width of the lot and lying contiguous to the rear lot line. (Ord. No. 90-14, 6-28-90)

Yard, side. A yard lying contiguous to a side lot line 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 line. (Ord. No. 90-14, 6-28-90)

Yard, required. The open space required between a lot line and the buildable area of a lot, within which no structure shall be located except as provided in the Zoning Ordinance. (Ord. No. 90-14, 6-28-90)

Zoning Administrator. The person appointed by the County Manager to enforce and carry out duties as set out in this ordinance. The Zoning Administrator may appoint deputies and assistants as are authorized from time to time by the County Manager. (Ord. No. 88-13, 7-9-88)