

## ARTICLE II. DEFINITIONS

### Sec. 130-41. Use of words and terms.

For the purposes of this chapter, certain words or terms shall be defined as follows:

- (a) 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.
- (b) The word "shall" means mandatory.
- (c) Unless otherwise specified, all distance shall be measured horizontally and at right angles to the line in relation to which the distance is tied.
- (d) The word "structure" includes the word "Building", and the word "structure" shall be deemed to include both a "Permanent Structure" and a "Temporary Structure".
- (e) The word "Lot" includes the word "plot".
- (f) The word "used" shall be deemed also to include "designed, intended, or arranged to be used".
- (g) The word "erected" shall be deemed also to include "constructed, reconstructed, altered, placed, or moved".
- (h) The terms "land use" and "use of land" shall be deemed also to include "Building use" and "use of Building".
- (i) The word "adjacent" means "nearby" and not necessarily "contiguous".
- (j) The word "State" means the Commonwealth of Virginia, and the word "City" means the City of Manassas, Virginia, or its duly designated representative.
- (k) The term "City boundary" means any boundary of the incorporated territory within the City.
- (l) The terms "City Council", "Planning Commission", "Director of Community Development, or designee", "Zoning Administrator", "Architectural Review Board", "Airport Board" and "Board of Zoning Appeals" mean the respective boards, commissions, and officers of the City.
- (m) The term "this chapter" means Chapter 130 of this Code and the terms "DCSM" or "manual" mean the Design and Construction Standards Manual as adopted by the City Council and amended as provided therein.
- (n) The term "R district" means any residential district, including any portion of a planned district designated for residential use, the first letter of the symbol for which is the letter "R".

- (o) The term "B district" means any business or office district, including any portion of a planned district designated for business or office uses, the first letter of the symbol for which is the letter "B".
- (p) The term "I district" means any industrial district, including any portion of a planned district designated for industrial uses, the first letter of the symbol for which is the letter "I".
- (q) The term "A district" means any agricultural district, the first letter of the symbol for which is the letter "A".
- (r) The term "P district" means any planned district, the first letter of the symbol for which is the letter "P".

### **Sec. 130-42. Definitions.**

For the purpose of this chapter, the following alphabetical listing of terms and their definitions shall apply. Additional definitions specific to their application in a section may be found in §130-422; however, when a conflict exists between any other definitions found in this chapter and the definitions listed in §130-42, the definitions listed in §130-42 shall take precedent.

**Abattoir** means the use of land for a commercial slaughterhouse.

**Accessory Building, Use, or Structure** means a separate Building, use, or structure on the same Lot with and of a nature customarily incidental to the Principal Use of the Lot or principal structure.

**Act of God** shall include any natural disaster or phenomena including, but not limited to, a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by lightning or wildfire. For purposes of this definition, owners of property damaged by an accidental fire have the same right to rebuild such property as if it were damaged by an Act of God. Nothing herein shall be construed to enable the property owner to commit arson as defined by the Code of Virginia and obtain vested rights as an Act of God.

**Active Storage** means the holding or safekeeping of goods or materials as an Accessory Use for the routine operation of a non-residential use, including exterior or outdoor storage.

**Adult Bookstore or Adult Video Store** means a commercial establishment which, as one of its principal business activities, offers for sale and/or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "Specified Sexual Activities" or "Specified Anatomical Areas." A principal business activity exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 35 percent of the establishment's displayed merchandise consists of said items;

- (2) At least 35 percent of the wholesale value of the establishment's displayed merchandise consists of said items;
- (3) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items;
- (4) At least 35 percent of the establishment's revenues derive from the sale and/or rental, for any form of consideration, of said items;
- (5) The establishment maintains at least 35 percent of its Floor Space for the display, sale and/or rental of said items (aisles and walkways used to access said items shall be included in "Floor Space" maintained for the display, sale, or rental of said items);
- (6) The establishment maintains at least 500 square feet of its Floor Space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "Floor Space" maintained for the display, sale, or rental of said items);
- (7) The establishment regularly offers for sale and/or rental of at least 2,000 of said items; or
- (8) The establishment regularly features said items and regularly advertises itself or holds itself out by using "adult", "adults-only", "XXX", "sex", "erotic", "novelties", or substantially similar language as an establishment that caters to adult sexual interests.

**Adult Cabaret** means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features live conduct characterized by Seminudity. No establishment shall avoid classification as an Adult Cabaret by offering or featuring Nudity.

**Adult Motion Picture Theater** means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "Specified Sexual Activities" or "Specified Anatomical Areas" are regularly shown for any form of consideration.

**Aerobic and Dance Studio** See "Personal Improvement Service".

**Age-Restricted Housing** means housing specifically designed and intended for, and occupied by, at least one person as the primary resident who is 55 years of age or older. One individual who has attained the age of 18 years may be domiciled with the primary resident who is 55 years of age or over, provided such residency is essential for the physical or economic support of the person 55 years of age or over. The following criteria shall be met for housing to qualify as Age-Restricted Housing under this article:

- (1) The existence of significant facilities and services specifically designed to meet the physical or social needs of the primary resident, or if the provision of such facilities and services is not practical, that such housing is necessary to provide important housing opportunities for the primary resident; and

(2) The publication of and adherence to policies and procedures that demonstrate intent by the owner or manager to provide housing for persons 55 years of age or older.

**Agriculture and Silviculture** means the use of land for the bona fide production or harvesting of agricultural products as defined in §3.2-6400 of the Code of Virginia, including silvicultural products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste, or debris if the excavation material, waste, or debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

**Airport, Airside** means any area of an Airport or Aviation Facility that has restricted right of public access, such as aprons, taxiways, and runways, plus parts of the terminals and other structures located around the airport premises, past the perimeter fence, and through the security gates.

**Airport, Landside** means the portion of an Airport or Aviation Facility that are not considered part of the airfield system including, but not limited to, vehicle parking lots, streets, pedestrian walkways, and parts of the terminals and other structures located around the airport premises that are accessible to the public.

**Airport or Aviation Facility** means the use of land for landing fields, aircraft parking, service, and related facilities for operation, service, fueling, navigational aids, repair, storage, charter, sales, or rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

**Alley** means a passage or way open to public travel affording a secondary means of vehicular access to abutting Lots and not intended for general traffic circulation.

**Alteration** means any change, reduction, or addition to a part of or all of any structure including, but not limited to, Building Height, floor area, use, or adaptability.

**Amateur Radio Tower** means a structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals, erected and operated by an amateur radio operator licensed by the Federal Communications Commission.

**Antique Shop** means the use of land for the specialized sales of antiques or collectible objects that have a high value due to considerable age, aesthetic, or historical significance.

**Architect** means an individual who by reason of their knowledge of the mathematical and physical sciences and the principles of architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture as attested by the issuance to such person of a license as an architect by the state Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects.

**Architectural Features** means the exterior details of a structure, created by the type of construction, the manner of assembly of the materials, and the use of decorative details that establish the overall appearance, period, and style of the structure but are not necessary for structural integrity. Features include, but are not limited to, such items as fanlights, cornice designs, corner boards, window trim, and gingerbread.

**Assembly or Assembling** See “Manufacturing, Heavy” or “Manufacturing, Light”.

**Assembly, Place of** means the use of land for a meeting place where persons gather together for purposes of attending civic, social, and/or religious functions, recreational events, or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, or indoor or outdoor recreational facilities. Excluded are Public Dancehalls and Cultural Facilities as defined by this chapter. A gathering of less than 25 persons shall not be considered a Place of Assembly provided the gathering is accessory and incidental to the Principal Use.

**Bed and Breakfast** means the use of land as an owner-occupied, Single-Family Detached Dwelling offering transitory lodging or sleeping accommodations to the public for compensation in accordance with the requirements of §130-91.

**Billboard** means any Freestanding Sign over 75 square feet in Sign Area.

**Boardinghouse** means:

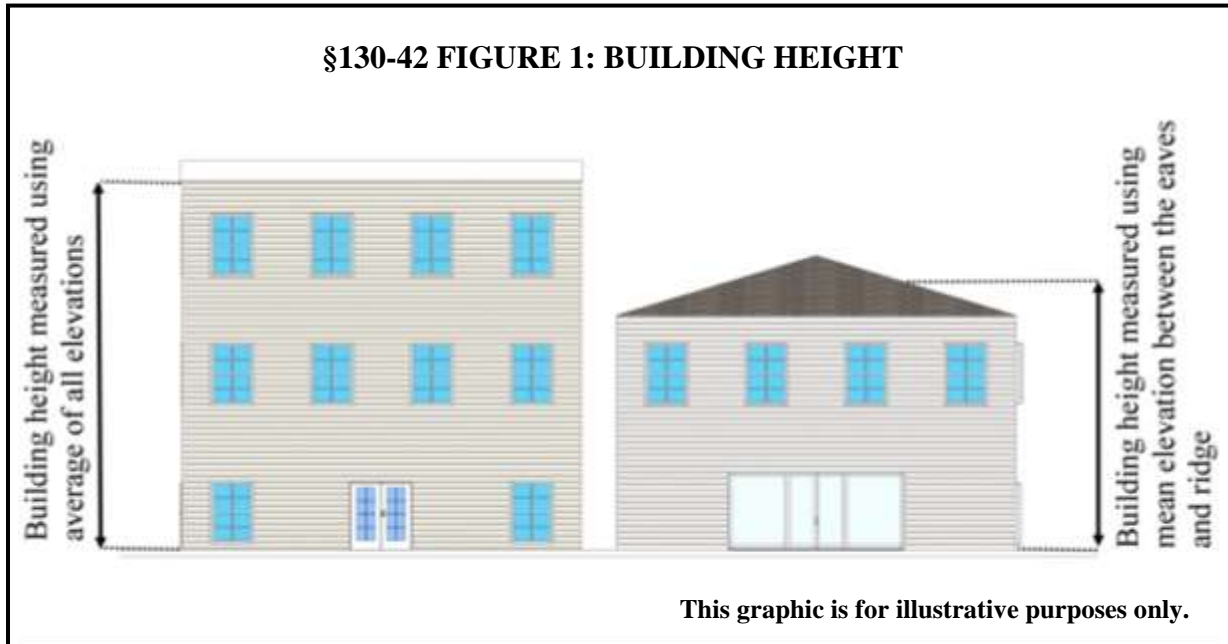
- (1) A Dwelling Unit arranged or used for lodging for compensation, other than a Hotel or Bed and Breakfast as defined by this chapter, with or without meals;
- (2) Any Dwelling Unit which has any one Residential Guest for a period of more than 30 consecutive days; or
- (3) Any Dwelling Unit which has one or more Residential Guests for a period of more than 104 calendar days in a single calendar year.

**Brewery or Distillery** means the use of land, licensed by the Commonwealth of Virginia, where beer or spirits are manufactured for sale. Consumption on the premises is permitted as an Accessory Use.

**Broadcasting or Telecommunication Tower** means the use of land for any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, internet, and similar services. A Broadcasting or Telecommunication Tower consists of a support tower or other structure used to achieve the necessary elevation, the transmission or reception devices or antenna, and may include an equipment shelter or cabinet. Excluded from this definition are Amateur Radio Towers as defined by this chapter.

**Building** means any enclosed or open structure other than a tent or Manufactured Home having a roof supported by columns or walls designed to support, shelter, house, or enclose persons, animals, or property of any kind.

**Building, Height** means the vertical distance measured from the average elevation of the ground on all sides of the structure to the highest point of the roof for a flat roof or to the mean elevation between the eaves and ridge of other types of roof. The term "actual Height of Building" as used in this chapter shall not be deemed to include any part of a Building wall erected above a flat roof for the purpose of creating a false mansard or parapet to screen rooftop mechanical equipment or housings from public view.



**Building Permit** means a written authorization by a Code Official for the construction, Alteration, Reconstruction, Building Repair, Restoration, Demolition, or razing of all or a part of any structure.

**Building, Principal** means a Building in which is conducted the Principal Use of the Lot on which it is situated.

**Building Repair** means any or all work on a structure involving the replacement of existing architectural or structural components with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

**Business or Trade School** means the use of any land for providing education or training in business, commerce, language, or other similar activity or occupational/vocational pursuit for students beyond the 12<sup>th</sup> grade.

**Business Support Service** means the use of land for the sale, rental, or repair of office equipment and supplies or the provision of services used by office and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

**Caretaker Quarters** means an accessory residential Dwelling Unit for a caretaker or security guard located on the same Lot as the Principal Use.

**Carnival** See “Temporary Use”.

**Car Wash** means the use of land for the washing of motor vehicles and may include, but is not limited to, detailing, drying, polishing, vacuuming, or Accessory Uses such as the Retail Sales of car air fresheners, car cleaning products, or similar items.

**Catering Facility** means the use of land where food and/or beverages are prepared on the premises and delivered to another location for consumption.

**Cemetery** means the use of land for the interment of human or animal remains. The sprinkling of ashes, their burial in a biodegradable container on church grounds, or their placement in a columbarium on church property shall not constitute the creation of a Cemetery.

**Certificate of Appropriateness** means the approval statement signed by the Architectural Review Board which certifies the appropriateness of a particular request for the construction, Alteration, Reconstruction, Building Repair, Restoration, moving, relocation, Demolition, or razing of all or a part of any structure within a Historic Overlay District, subject to the issuance of all other permits required for the matter sought to be accomplished.

**Character Areas** mean land use categories in the adopted Comprehensive Plan used to guide future development and revitalization within specific areas of the City. Character Areas focus on area-related goals, objectives, and design principles. Character Areas are divided into three primary categories: preservation (Suburban Neighborhoods, Traditional Neighborhoods), improvement (Neighborhood Business Districts, Business Corridors, Industrial/Suburban Business Districts, Gateways and Corridors), and unique (Special Districts). The adopted Comprehensive Plan Character Area Map officially designates these areas geographically.

**Characterized By** means, for the purposes of §130-103, describing the essential character or quality of an item. As applied in this chapter, no business shall be classified as a Sexually Oriented Business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

**Child Care Center** means the use of land for any facility operated for the purpose of providing care, protection, and guidance for two or more children separated from their parents or guardians during a part of a day, but excluding a Family Day Home as defined by this chapter.

**Children's Residential Facility** means the use of land for any facility meeting the definition of “Children’s Residential Facility” in the Code of Virginia, or any facility that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection, and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.

**Church, Chapel, Synagogue, Temple or Other Place of Worship** See “Assembly, Place of”.

**Circus** See “Temporary Use”.

**Code Official** means the person designated by the City to issue the Building Permit for the construction, Alteration, Reconstruction, Building Repair, Restoration, Demolition, or razing of all or part of any structure.

**Commercial Amusement/Recreation Facility** See “Assembly, Place of”.

**Condominium** means a group of dwellings, offices, or stores situated on a single Lot wherein ownership of individual units is conveyed separately with an undivided vested interest in the common elements pertaining to that unit as defined under the Condominium Act (Code of Virginia, §55-79.39 et seq.).

**Congregate/Continuing Care, Assisted Living Facility** means the use of land for any facility meeting the definition of “Assisted Living Facility” in the Code of Virginia or any congregate residential facility that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm, or disabled, and who are cared for in a primarily residential setting. Excluded from this definition is a Group Home as defined by this chapter, a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, or the home or residence of an individual who cares for only persons related to them by blood or marriage.

**Construction Material Sales** means the use of land for the sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include, but are not limited to, building material stores or home supply establishments, with accessory outdoor sales and storage areas.

**Construction Standards** mean the technical design standards as outlined in this chapter and the DCSM.

**Consumer Repair or Contractor/Tradesperson Services** means the use of land for the provision of installation, fabrication, maintenance, or repair services, excluding Motor Vehicle Repair uses. Typical uses include, but are not limited to, repair shops for appliances, electronics, musical instruments, or upholstery and electrical, flooring, HVAC, painting, or plumbing shops.

**Craft Shop** means a small-scale (less than 10,000 square foot) use of land for Retail Sales of art or crafts items, or which offers for Retail Sale items related to a specific theme (e.g. kitchen wares or furniture) and includes associated Light Manufacturing activities as an Accessory Use.

**Crematory** means the use of land for a facility licensed and registered with the Commonwealth of Virginia containing a furnace for cremation of human or animal remains.



**Cultural Facility** means an institution or the use of land for the display, preservation, or exhibition of art, scientific, cultural, or historical materials including, but not limited to, museums, libraries, or art galleries.

**Date of Adoption of This Chapter** (or similar language) means June 15, 1999, or the date of subsequent amendments to the 1999 Zoning Ordinance (Chapter 130) of the City of Manassas.

**Day Care Center, Adult** means the use of land for any facility meeting the definition of “Adult Day Care Center” in the Code of Virginia or any facility that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, but excludes a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services or the home or residence of an individual who cares for only persons related to them by blood or marriage.

**Demolition** means the dismantling or tearing down of all or part of any structure.

**Domesticated Animal** means any pet that is maintained for companionship on a residential property including, but not limited to, domestic dogs, cats, birds, non-poisonous reptiles, rodents, or fish, but shall not include agricultural animals, wild animals and game species, any animals raised for human food or fiber, or any animals regulated under state or federal law as research animals.

**Driveway** means that space specifically designated and reserved on the site for the movement of vehicles from the site to another site or from a site to a Street.

**Duplex** means a Building containing two Dwelling Units structurally attached, each having separate entrances, separated from the other Dwelling Unit by a common wall without openings.

**Dwelling, Multifamily** means a Building, or portion of a Building, consisting of two or more Dwelling Units with shared principal entryways, including rental apartments and apartment condominiums.

**Dwelling, Single-Family Attached** (or townhouse) means one of a series of three or more Dwelling Units separated from one another by common walls without openings.

**Dwelling, Single-Family Detached** means a detached Dwelling Unit designed for occupancy by only one Family.

**Dwelling Unit** means a room, or interconnected rooms, designed or modified for the purpose of residential occupancy not to exceed one Family, containing facilities for cooking and sleeping, and constituting a separate independent housekeeping establishment physically separated from any other Dwelling Units, which may be in the same structure.

**Easement** means a grant or reservation by a property owner of the use of a specified portion or all of their property for a specific purpose.

**Educational Facility, College or University** means the use of land for an institution of higher education offering a course of general studies leading to advanced academic degrees including, but not limited to, teaching or research facilities.

**Educational Facility, Primary or Secondary** means the use of land for a public, private, religious, or parochial school offering instruction for grades pre-kindergarten through, but not beyond, the 12<sup>th</sup> grade, and facilities that provide special educational and related services to children with disabilities.

**Engineer** means an individual who by reason of their knowledge of the mathematical and physical sciences and the principles of engineering design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of engineering or land surveying as attested by the issuance to such person of a license as a professional engineer by the state Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects.

**Family** means:

- (1) An individual;
- (2) Two or more persons related by blood, marriage, adoption, or guardianship, living and cooking together as a single housekeeping unit, exclusive of not more than one additional nonrelated person;
- (3) A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption, or guardianship; or
- (4) Not more than two unrelated persons and their dependent children living and cooking together as a single housekeeping unit.

**Family Day Center** See “Child Care Center”.

**Family Day Home** means a Dwelling Unit providing as an Accessory Use in return for compensation, care, protection, and/or guidance for four or fewer children under the age of 13, separated from their parents or guardians during a part of a day, exclusive of the provider's own children and any children who reside in the structure as part of a legal Family unit.

**Family Health Care Structure, Temporary** means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation.

**Financial Institution** means the use of land for the provision of financial services including, but not limited to, banks, savings and loan establishments, or credit unions, but does not include a Short-Term Loan Establishment as defined by this chapter.

**Flag** means a piece of flexible material which communicates via distinctive color and/or design and is flown from a pole or draped by one edge on the face of a structure. It includes a pennant.

**Floodplain** means the same definition provided in Chapter 66 of the City Code.

**Floor Area, Gross** means the sum of the horizontal areas of all stories of a Building, measured along the inside finished face of the exterior walls, or in the case of a common wall separating two Buildings, from the inside finished face of such common wall. Gross Floor Area shall exclude basements and attics not designed or permitted as occupied space.

**Floor Area, Net** means Gross Floor Area excluding unoccupied areas including, but not limited to, corridors, stairs, elevators, enclosed parking areas, mechanical rooms, and closets.

**Floor Space** (as used in the definition of "Adult Bookstore or Adult Video Store") means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

**Food Truck** means any modular unit, trailer, or self-propelled motor vehicle (such as a truck, bus, van, camper, or semi-trailer truck), not located on a permanent foundation, and used for the purpose of dispensing in exchange for compensation food and/or beverages to the public from the unit.

**Frontage** See "Lot Frontage".

**Funeral Chapel** See "Assembly, Place of".

**Garage, Private** means an Accessory Building designed or used for the storage of vehicles owned and used by the occupants of the Dwelling Unit.

**Garage Sale** See "Yard Sale, Residential".

**Garden Center** means the use of land for the sale, from the premises, of garden plants, trees, flowers, shrubs, fertilizers, garden tools, and other accessories, primarily for agricultural, residential, and commercial consumers, with accessory outdoor sales and storage areas. Such establishments typically sell products purchased from others, but may sell material which they grow themselves.

**Gasoline Station** means the use of land for the Retail Sale and direct delivery to motor vehicles of fuel, lubricants, minor accessories, and Retail Sales for the convenience of the motoring public.

**Group Home** means the use of land for a residential facility in which no more than eight mentally ill, intellectually disabled, or developmentally disabled persons, or no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other resident or nonresident staff persons. The terms "mental illness" and "developmental disability" shall not include current illegal use of, or addiction to, a controlled substance as defined in Code of Virginia, §54.1-3401. The residential facility, to qualify as a Group Home, must have a license from the Virginia Department of Behavioral Health and Developmental Services or the State Department of Social Services.

**Heavy Equipment Sales and Rental** means the use of land for the sale, lease, or rental of new or used Commercial Vehicles or trucks, trailers, construction equipment, agricultural implements, or similar industrial equipment. Included in this use are the incidental storage, minor maintenance, and routine servicing of such equipment, but does not include a Junkyard as defined by this chapter.

**Heliport** means the use of land as a place for helicopters to land and take off, and related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of helicopters.

**High Impact Business** is an inclusive term used to describe Liquor Stores or Short-Term Loan Establishments. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

**Historic Overlay District (HOD)** means an area designated by the City Council as an overlay district within which are found:

- (1) Historic landmarks as established by the State Board of Historic Resources;
- (2) Any historic structure;
- (3) Any historic areas;
- (4) Areas of unique architectural value located within designated conservation, rehabilitation, or redevelopment districts; and/or
- (5) Parcels of land contiguous to arterial streets or highways found by the City Council to be significant routes of tourist access to the locality or to designated Historic Landmarks, Buildings, structures, or districts in the City or a contiguous locality.

**Historic Landmark** means any structure listed on the City inventory of historic structures and areas adopted pursuant to §130-403.

**Home Business** means any commercial activity conducted within a Dwelling Unit as an Accessory Use to the principal residential use where customers and/or employees come to the Dwelling Unit. Any such use shall only be permitted in accordance with the requirements of §130-95.

**Home Occupation** means an Accessory Use conducted within a Dwelling Unit by residents of that unit which is clearly incidental and secondary to the principal residential use and where customers and/or employees do not come to the Dwelling Unit. Any such use shall only be permitted in accordance with the requirements of §130-96.

**Hospital** means the use of land for a facility with inpatient beds for the purpose of providing medical care to sick or injured persons, or which meets the definition of “General Hospital” provided in the Virginia Administrative Code.

**Hospital, Animal** See “Veterinary Hospital”.

**Hotel** means the use of land for transitory lodging or sleeping accommodations offered to the public for compensation including, but not limited to, facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels, but not including a Bed and Breakfast or Boardinghouse as defined by this chapter.

**Infill** means the development of vacant, partially developed, or underdeveloped parcels, which are surrounded by, or in close proximity to, areas that are substantially developed.

**Intermediate Residential Housing** See “Shelter, Residential”.

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

**Just-In-Time** means an inventory control system that replenishes and delivers products to a retailer or end user just as the current supply is depleted.

**Kennel** means the use of land where for hire, more than two dogs and/or more than five cats that are more than four months of age are kept for the purpose of providing care, protection, guidance, breeding, training, or exercise. A Kennel shall be operated in accordance with the requirements of §130-97.

**Laboratory** means the use of land for scientific analysis of materials or products including, but not limited to, natural resources, medical, or manufactured products.

**Land Area Ratio, Residential (RLAR)** means the development ratio of the land area of a parcel between the non-residential and residential uses on-site.

**Landscaping** means the improvement of a Lot, parcel, or tract of land with a combination of materials, such as grass, shrubs, trees, other vegetation, or ornamental objects, designed and arranged to produce an aesthetically pleasing Open Space.

**Laundry, Commercial** means the use of land for the provision of laundering, cleaning, or dyeing services other than those classified as Professional Personal Services. Typical uses include, but are not limited to, bulk laundry and cleaning plants, diaper services, or linen supply services.

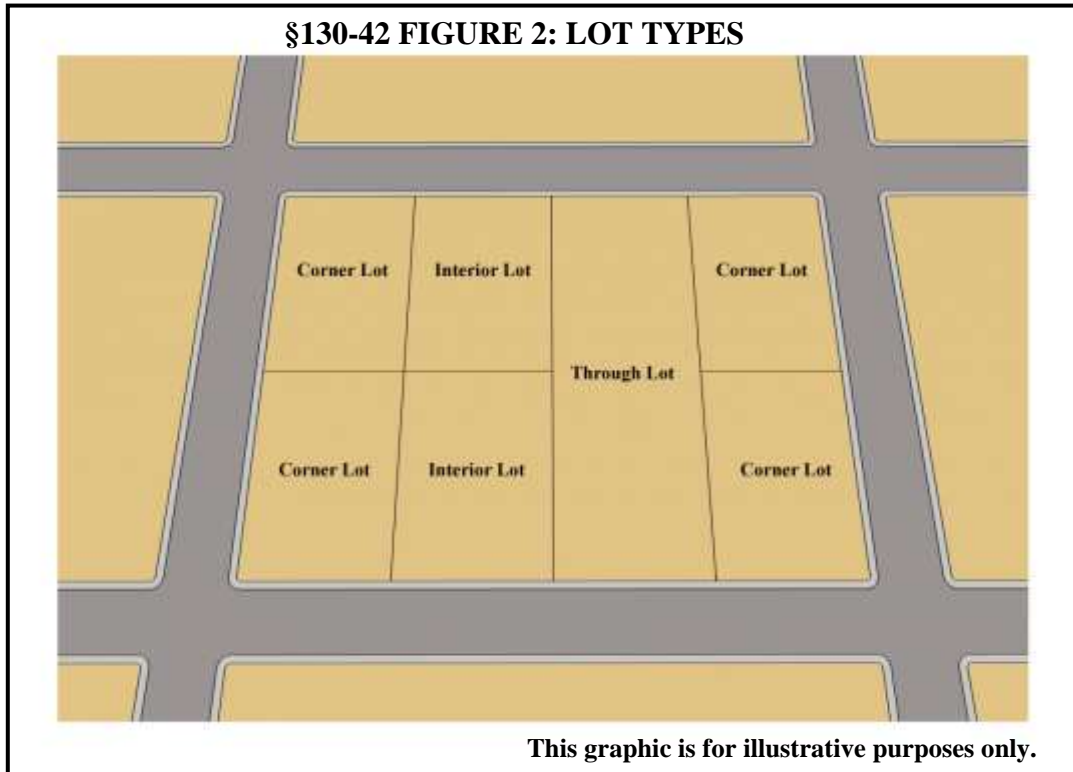
**Liquor** means any alcoholic beverage other than beer, wine, or cider, as those terms are defined in the Code of Virginia §§4.1-100 and 4.1-213.

**Liquor Store** means any privately-owned store:

- (1) Licensed by the Commonwealth of Virginia to sell liquor for off-premises consumption, but excluding Breweries or Distilleries as defined by this chapter; and
- (2) In which liquor makes up more than 10 percent of its stock in trade or occupies more than 10 percent of its Net Floor Area.

**Loading or Stacking Space** means a space within a structure or on the premises providing for the standing, loading, or unloading of vehicles.

**Lot** means a parcel of land created by a metes and bounds description or plat of Subdivision meeting minimum zoning requirements for Lot Area, Lot Coverage, Setbacks, and other spaces as required at time of recordation.



**Lot Area** means the total horizontal area included within Lot Lines.

**Lot Area, Minimum** means the minimum area of land outside a 100-year Floodplain that is permitted within a zoning district and is used for creating a residential Lot.

**Lot, Corner** means a Lot at the junction of and abutting on two or more intersecting street lines when the interior angle of intersection does not exceed 135 degrees.

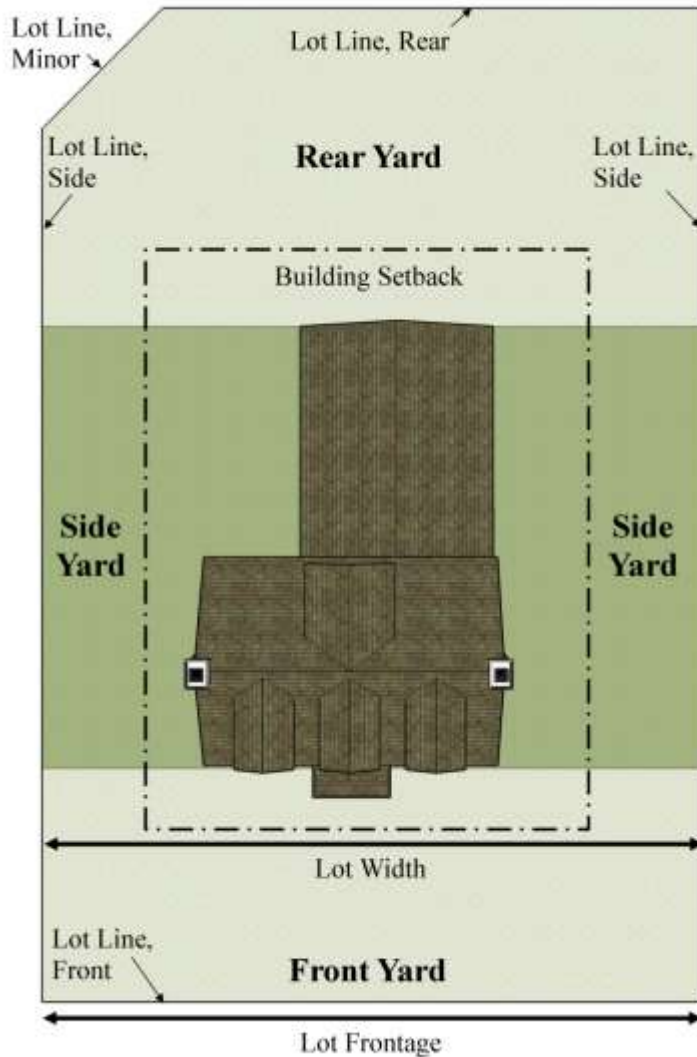
**Lot Coverage** means the portion of a Lot occupied by the gross horizontal area of the footprint of a structure or multiple structures.

**Lot Frontage** means the length of the Front Lot Line measured from Side Lot Line to Side Lot Line.

**Lot, Interior** means any Lot other than a Corner Lot, including a Through Lot.

**Lot Line** means any line or curve in the boundary of a Lot.

**§130-42 FIGURE 3: LOT LINES AND YARDS**



**This graphic is for illustrative purposes only.**

**Lot Line, Front** means a street right-of-way line which forms the boundary of a Lot, or in the case where a Lot does not abut a street other than by its driveway, or is a Through Lot, that Lot Line which faces the principal entrance of, or approach to, the Principal Building. On a Corner Lot, the shorter street right-of-way line shall be deemed the Front Lot Line, regardless of the location of the principal entrance or approach to the Principal Building. On a Corner Lot when sides abutting the streets are of equal length, the Lot shall be considered to front on the street having the longest frontages within the same block.

**Lot Line, Minor** means a Lot Line, which is less than 10 feet in length. Such Lot Line shall not be considered in determining Setbacks. For the purpose of measuring Setbacks, a line extension shall be drawn from the preceding Lot Line that is greater than 10 feet at the angle,

beginning from the short line to intersect with the next irregular Lot Line that is greater than 10 feet in length.

**Lot Line, Rear** means that Lot Line which is opposite the Front Lot Line. If the Lot is irregular in shape, the following criteria shall be used to determine the Rear Lot Line:

- (1) If a Rear Lot Line is less than 10 feet in length, or if the Side Lot Lines come to a point at the rear, the Rear Lot Line shall be deemed to be a line drawn parallel to the Front Lot Line that is not less than 10 feet long, lying wholly within the Lot and located farthest from the Front Lot Line.
- (2) If the Lot has more than four contiguous Lot Lines that are not parallel to the Front Lot Line, but all are greater than 10 feet in length, the Rear Lot Line shall include all the Lot Lines that have a beginning point greater than 65 feet from the front line and have an interior angle of 135 degrees or less.
- (3) Any Lot Line 10 feet or less that has both ends intersecting with two Lot Lines with the same designation shall be deemed as being part of the same line.

**Lot Line, Side** means any Lot Line not otherwise defined as a Front or Rear Lot Line.

**Lot of Record** means a Lot, which has been legally recorded.

**Lot, Through** means an Interior Lot fronting on two parallel, or approximately parallel, Streets.

**Lot Width** means the distance measured from Side Lot Line to Side Lot Line, along a Lot Line parallel to the Front Lot Line at the required minimum Setback.

**Manufactured Home** means a structure which:

- (1) Is transportable in one or more sections;
- (2) Is eight feet or more in width and 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on-site;
- (3) Is built on a permanent chassis;
- (4) Is designed to be used as a Dwelling Unit for one Family, with or without a permanent foundation, when connected to the required utilities; and
- (5) Includes the plumbing, heating, air conditioning, and electrical systems necessary for the structure.

For purposes of this chapter, a Manufactured Home must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a Manufactured Home must bear a data plate declaring that it meets HUD standards.



**Manufactured Home Park or Subdivision** means the use of land for any area designed to accommodate two or more independent Manufactured Homes intended for residential use where residence is exclusively in Manufactured Homes.

**Manufacturing, Heavy** means the use of land for the production, processing, compounding, assembly, testing, treatment, or fabrication of materials and products from processed or previously manufactured materials, with significant external effects that cannot be eliminated or contained during the manufacturing process. Such external effects include, but are not limited to, smoke, noise, particulates, dirt, vibration, or odor. Excluded from this definition are Abattoirs, as defined by this chapter, and the use of land for the manufacturing of asphalt or concrete.

**Manufacturing, Light** means the use of land for the production, processing, compounding, assembly, testing, treatment, or fabrication of materials and products from processed or previously manufactured materials, without significant external effects as described in the definition of Heavy Manufacturing. Uses may include, but are not limited to, a machine shop, bottling distributor, the manufacturing of apparel, ceramic products, cosmetics and toiletries, electrical appliances, electronics or information technology equipment, medical equipment or devices, paper products, pharmaceuticals, plastic products, tools, or hardware.

**Market Study** means a professional report that analyzes and interprets data relating to a proposed project, including the trade area to be served, population characteristics, competitive influences, adequacy of the site, and other factors deemed necessary to determine the success or failure of the project.

**Medical Care Facility** means the use of land for any medical facility, other than a Hospital or Nursing Home as defined by this chapter that produces greater land use impacts than a Medical Office as defined by this chapter. A facility having one or more of the following characteristics shall be a Medical Care Facility:

- (1) Contains office space for diagnostic or outpatient care along with associated medical facilities such as a pharmacy, laboratory, physical therapy facility, or other similar facility, but does not provide inpatient hospitalization;
- (2) Holds a Certificate of Public Need authorization from the Virginia Department of Health;
- (3) Is licensed by or registered with the Virginia Department of Health and used principally for performing surgery;
- (4) Is operated for the performance of surgical or other procedures where the patient is not capable of self-preservation during the procedure or recovery; or
- (5) Is held out to the public as any of the above.

**Minimum Percent Coverage** means the retention and/or planting of trees so that, at maturity of 20 years, a specified minimum Tree Canopy/Tree Cover will be provided.

**Mini-Warehouse or Self-Storage** means the use of land to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceilings and shall have a separate entrance for the loading and unloading of stored goods.

**Mobile Home** See “Manufactured Home”.

**Motel** See “Hotel”.

**Motor Vehicle Parts/Supply Establishment** means the use of land for the retail sale of parts, supplies, tires, and accessories for automobiles, non-commercial vehicles or trucks, motorcycles, recreational vehicles, or boats, but does not include a Junkyard, Motor Vehicle Sales and Rental, or Heavy Equipment Sales and Rental as defined by this chapter.

**Motor Vehicle Repair, Major** means the use of land for major body, engine, and transmission repairs of automobiles, Commercial Vehicles or trucks, trailers, construction equipment, agricultural implements, or similar industrial equipment, but does not include a Junkyard as defined by this chapter. Typical uses include, but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, painting, equipment service centers, machine shops, or other similar uses where major repair activities are conducted.

**Motor Vehicle Repair, Minor** means the use of land for the minor repairs and routine maintenance of automobiles, non-commercial vehicles or trucks, motorcycles, recreational vehicles, or boats, but does not include a Junkyard as defined by this chapter. Typical uses include, but are not limited to, tire sales and installation, electronics installation or repair, air conditioning, brakes, mufflers, oil and lubrication, windshield glass replacement services, or similar uses where minor repairs and routine maintenance are conducted.

**Motor Vehicle Sales and Rental** means the use of land for the sale, lease, or rental of new or used non-commercial vehicles, including automobiles, non-commercial vehicles or trucks, motorcycles, recreational vehicles, or boats. Included in this use is warranty repair work and other minor repair service conducted as an Accessory Use, but does not include a Junkyard as defined by this chapter.

**Nonconforming Improvement** means any improvement for which the City has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit.

**Nonconforming Lot** means an otherwise legally platted Lot on the Date of Adoption of This Chapter that, due to an amendment of this chapter or acquisition of a portion of the lot by an entity with the power of eminent domain, does not meet one or more of the following requirements:

- (1) Lot area;
- (2) Lot width; or

(3) Lot frontage.

**Nonconforming Sign** means any Sign lawfully installed on the Date of Adoption of This Chapter that, due to an amendment of this chapter or acquisition of a portion of the lot where the sign is located by an entity with the power of eminent domain, does not meet one or more of the requirements for signage in this chapter.

**Nonconforming Structure** means:

(1) An otherwise legal structure on the Date of Adoption of This Chapter that, due to an amendment of this chapter or acquisition of a portion of the lot where the structure is located by an entity with the power of eminent domain, does not meet one or more of the following requirements:

- a. Buffers;
- b. Density;
- c. Height;
- d. Lot Coverage;
- e. Open Space or Tree Canopy;
- f. Setbacks;
- g. Screening (except as required in §130-60);
- h. Yards; or

(2) Any structure:

- a. For which the City issued a building permit, if the structure was thereafter constructed in accordance with the building permit, and if upon completion the City issued a certificate of occupancy or use permit therefore; or
- b. Upon which the owner has paid taxes to the City for a period in excess of 15 years.

**Nonconforming Use** means any use that was lawful on the Date of Adoption of This Chapter that has continued although a subsequent enactment or amendment otherwise has rendered it unlawful. Any use that was unlawful on the Date of Adoption of This Chapter shall remain unlawful and shall not be a “nonconforming use”.

**Nudity** means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

**Nursing Home** means the use of land for any institution meeting the definition of “Nursing Home” in the Code of Virginia, or any institution in which the primary function is the provision, on an overnight basis, of nursing services, or health-related services for the treatment and inpatient care of two or more nonrelated individuals. This definition includes facilities known by

varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities, nursing facilities, or nursing care facilities.

**Office, General** means the use of land wherein the primary use is the conduct of a business or profession including, but not limited to, accounting, architecture, computer software, information systems, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate, or travel. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Medical Office as defined by this chapter.

**Office, Medical** means the use of land wherein the primary use is the practice of one or more physicians, surgeons, dentists, or combination thereof, but which does not meet the definition of Medical Care Facility or Hospital.

**Off-Site** means all land and structures that do not fall within the boundary of the land to be developed or under review.

**On-Site** means all land and structures that are within the boundary of the land to be developed or under review.

**Opaque Screening** means a visual buffer, Landscaping, structure, or architectural element designed to be impenetrable by light or to obscure fully the visibility of a land use from one side to the other.

**Open Space** means land area set aside for recreation, Landscaping, or natural preservation, and not used for residences or business activities.

**Outdoor Display** means the accessory exterior display of goods, wares, products, or merchandise for Retail Sale on the same lot and in conjunction with any use. Goods, wares, products, or merchandise that are stacked in piles, on pallets, or wrapped in packing materials where the items are not readily available for Retail Sale shall be considered outdoor storage and not Outdoor Display.

**Outdoor Sale, Commercial** See “Temporary Outdoor Sales”.

**Parking Space** means any area designed to be used by a motorized vehicle on any Lot as a designated short-term or long-term vehicle space and identified on an approved site plan or house location survey meeting the design requirements of this chapter and the DCSM.

**Parking Space, Off-Street** means a space and all adjacent travelways and areas located outside the dedicated street right-of-way for parking a motor vehicle. Such space shall be considered an Off-Street Parking Space only if there is access from the space to a street and, within the space, there is adequate room for opening doors on both sides and sufficient room to permit maneuvering of a motor vehicle into and out of the space.

**Parking Structure, Multilevel** means the use of land for a structure with multiple stories designed for the parking of passenger vehicles and in which there is no provision for the repairing of vehicles.

**Patio** means an exterior living space designed and constructed in a manner that no portion of area is more than eight inches above the adjacent Yard surfaces. For the purpose of this chapter, a Patio is not a structure.

**Personal Improvement Service** means the use of land for the provision of informational, instructional, and similar services for personal improvement. Typical uses include, but are not limited to, driving instruction, health or physical fitness studios, dance studios, handicraft, or hobby instruction.

**Place of Worship** See “Assembly, Place of”.

**Principal Use** means the primary or predominant use of land. Where there are multiple uses of land and no single use is primary or predominant, each use is a Principal Use.

**Private Community Recreational Use** means the use of land specifically for the recreational use of the residents within an individual residential Building or development including, but not limited to, clubhouses, gyms, swimming pools, tennis courts, or play equipment.

**Private, Parochial or Religious School** See “Educational Facility, Primary or Secondary”.

**Professional Office** See “Office, General” or “Office, Medical”.

**Professional Personal Service** means the use of land for the provision of frequently or recurrently needed services of a personal nature that may require certification or licensure by one or more agencies of the Commonwealth of Virginia. Such services include, but are not limited to, beauty and barber shops, grooming of pets, seamstresses, tailors, shoe repairs, laundromats or dry cleaning pick-up/drop-off (where the processing of garments or fabrics is located in a separate facility), but does not include a Sexual Offender Treatment Service, Tattoo Parlor, or Body Piercing Salon as defined by this chapter.

**Public Access Easement** means a right of ingress and egress granted by a property owner over their privately-owned land for the use of the public to travel to a Street which right to enjoyment is vested in the public or in an entire community.

**Public Dancehall** means the use of land, open to the general public, where dancing is permitted. A Restaurant located in the City licensed under Code of Virginia, §4.1-210 to serve food and beverages having a dance floor with an area not exceeding 10 percent of the total floor area of the establishment shall not be considered a Public Dancehall.

**Public Facility** means the use of land, exclusively for public purposes, by any department or branch of the federal government, Commonwealth or any political subdivision, public authority, school board or any combination thereof, but excluding Educational Facilities or a Cultural Facility as defined by this chapter.

**Public Utility** means a business or service having an appropriate franchise from the Commonwealth, which is engaged in regularly supplying the public with some commodity or service of public consequence and need, such as electricity, gas, water, transportation, or communications, but does not include a Broadcasting or Telecommunication Tower as defined by this chapter.

**Reconstruction** means work needed to remake or rebuild all or a part of any structure to a sound condition, but not necessarily using original materials.

**Recreational Vehicle** means any vehicle, trailer, or semitrailer designed for human occupation and not meeting the definition of Manufactured Home.

**Regularly** means the consistent and repeated doing of an act on an ongoing basis.

**Research and Development** means the use of land for investigation, study, experimentation, or design in scientific or technology-intensive fields. Examples include, but are not limited to, research and development of communication systems, transportation, geographic information systems, multi-media, or video technology. Development of prototypes may be accessory to this use.

**Residential Guest** means any person who sleeps, eats, or otherwise is sheltered in a Dwelling Unit, and who is not within the definition of "Family" for the Family residing in that Dwelling Unit.

**Restaurant** means the use of land where food and/or beverages are prepared and served for consumption either on the premises, including both indoor and/or outdoor seating, or off the premises.

**Restaurant, Public Dancehall** See "Public Dancehall".

**Restoration** means work or Building Repair connected with the returning of a structure, or a part of any structure, to its original condition through the use of original or nearly original materials.

**Retail Sales** means the use of land for the display and sale or rental of goods, wares, products, or merchandise to the ultimate consumer or persons without a resale license. It does not include a Liquor Store, Motor Vehicle Sales and Rental, or Heavy Equipment Sales and Rental as defined by this chapter.

**Seminude or Seminudity** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

**Seminude Model Studio** means a place where persons regularly appear in a state of seminudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of seminudity did so in a class operated:

- (1) By a college, junior college or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
  - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a seminude person is available for viewing; and
  - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

**Semipublic** See “Assembly, Place of” or “Cultural Facility”.

**Service Station** See "Gasoline Station".

**Setback** means the minimum distance by which a structure must be separated from a Lot Line.

**Sex Offender Treatment Services** means any services that only a person certified as a sex offender treatment provider by the Board of Psychology of the Commonwealth of Virginia may lawfully provide.

**Sexual Device** means any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

**Sexual Device Shop** means a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

**Sexually Oriented Business** means an "Adult Bookstore or Adult Video Store", an "Adult Cabaret", an "Adult Motion Picture Theater", a "Seminude Model Studio", or a "Sexual Device Shop". This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

**Shelter, Residential** means the use of land for a structure operated by a religious institution, public, or nonprofit agency providing short-term emergency housing, and may include ancillary community support services including, but not limited to, child care, counseling, food distribution, or vocational training.

**Short-Term Loan Establishment** means a business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Under those provisions, Financial Institutions and Retail Sales, among others, are exempted and therefore are not "Short-Term Loan Establishments" for purposes of this chapter.

**Sign** means any word, numeral, figure, design, trademark, service mark, flag, pennant, twirler, light, balloon, display, or other device of any kind that, whether singly or in any combination, is used for the purpose of attracting the attention of the public while viewing the same from outdoors. It includes any screen or other device, regardless of the technology employed, which is used for the purpose of attracting the attention of the public outdoors. However, it does not include any architectural features that lack trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or calling.



**§130-42 FIGURE 4: EXAMPLES OF COMMON SIGN TYPES**



**Sign Area** means the entire area enclosing the extreme limits of writing, representation, pictorial elements, emblems, or a figure of similar character, together with all material, color, or lighting forming an integral part of the display or used to differentiate the Sign from the background against which it is placed.

**Sign, Banner** means a Temporary Sign made of flexible material designed to be installed with attachments at each corner.

**Sign, Canopy** means a Sign that is attached to, or painted on, the fascia board of a freestanding canopy structure, with the sign face in a plane parallel to such fascia, and not extending more than 15 inches from the fascia board.

**Sign, Changeable Message** means a Sign that includes any changing of the message either electronically or manually in which the message is stationary and does not fluctuate in size or brightness.

**Sign, Community** means a Sign located at the entrance to a residential development.

**Sign, Flashing** means a Sign that includes lights that flash, blink, or turn on and off intermittently.

**Sign, Freestanding** means a Sign supported by upright structural members on, or in, the ground and not attached to a structure.

**Sign, Minor** means a wall sign not exceeding three square feet in sign area, or a freestanding sign not exceeding three square feet in sign area and four feet in height.

**Sign, Monument** means a Freestanding Sign in the shape of a solid such as a rectangle or cylinder.

**Sign, Moving** means a sign or part of a Sign that is designed to rotate, move, or appears to rotate or move by any means including, but not limited to, mechanical, electronic, or wind. Such a sign may also be referred to as an “animated sign” or “inflatable sign”.

**Sign, Multi-occupant** means a Sign erected in multiple-building complexes or on lots supporting three or more occupants, and operating as a shopping center, plaza, mall, or other common title, not to exceed four feet in height. The letters on Multi-occupant Signs shall not be larger than four inches tall if the sign is 45 feet or less from the street right-of-way it faces, or no larger than eight inches tall if the sign is more than 45 feet from the street right-of-way it faces.

**Sign, Noncommercial** means a Sign relating to any subject other than real estate, goods, services, entertainment, construction, insurance, or other business for sale, lease, license, or other monetary transaction.

**Sign, Off-Site** means a Sign that pertains to a business, event, or activity occurring elsewhere than the lot where the sign is erected.

**Sign, Outdoor Advertising** means a Sign that directs attention to a business, product, commercial activity, or service that is conducted, sold, or offered elsewhere than upon the premises where such sign is located.

**Sign Plan, Comprehensive** means a plan showing the size, location, materials, structure, and placement of all Signs for which a permit is required that are associated with a use, multiple-building complexes, or on lots supporting three or more occupants, and operating as a shopping center, plaza, mall, or other common title.

**Sign, Portable** means a Sign that is not permanently attached to the ground or any structure. It does not include a flag or banner.

**Sign, Projecting** means a Sign attached to a structure’s wall that extends more than 15 inches from such wall. Shingle Signs, as defined in this section, shall not be deemed Projecting Signs.

**Sign, Shingle** means a Sign containing a maximum Sign Area of four square feet, mounted by means of one vertical post, not to exceed eight feet in height, and one horizontal member not to exceed 3½ feet in length from which the sign shall be hung.

**Sign, Temporary** means a Sign that is permitted under the Zoning Ordinance for a limited duration.

**Sign, Vehicle or Trailer** means any Sign attached to or displayed on a vehicle or trailer, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service, or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the Sign alters the standard design of such vehicle or trailer.

**Sign, Wall** means a Sign which is painted on the wall or attached parallel to a wall, and not extending more than 15 inches from the wall of a structure. Banner Signs, as defined in this section, shall not be deemed Wall Signs.

**Sign, Window** means a Sign, visible from a street right-of-way, and attached or painted onto the surface of a window or door, or hung inside within eighteen inches of a window or door.

**Site Plan, Final** means a plan delineating the overall scheme of development of a tract of land including, but not limited to, grading, engineering design, construction details, survey data for existing and proposed improvements, public utility, storm drainage, landscaping, lighting detail, and erosion and sediment control plans.

**Site Plan, Preliminary** means a plan showing the proposed general layout, the general location of the various types of land uses, the proposed number of Dwelling Units, the layout of Lots, general location of Streets, and a plan showing the location of recreational spaces, parks, schools, and other public or community uses where applicable.

**Space, Loading** means any Off-Street Parking Space designed and available for loading and unloading of bulk goods.

**Special Exception** means a special use that is a use of land not permitted in a particular district except by a Special Use Permit.

**Special Use Permit** means a permit issued by the City Council for a Special Exception in accordance with the requirements of Article IX of this chapter.

**Specialty Food Shop** means the use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site, with limited indoor and/or outdoor seating, the product is limited to one type or line of food service, and the food preparation is such that:

- (1) All odors must be contained within the establishment and specialized equipment may be required to contain the odors;
- (2) It does not involve "cooking"; however, the application of heat by microwave or the boiling of water for beverages shall not be considered "cooking" for purposes of this definition; and
- (3) No open flame heat source is used.

**Specified Anatomical Areas** means and includes:

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activity** means any of the following:

- (1) Intercourse, oral copulation, masturbation, or sodomy; or
- (2) Excretory functions as a part of or in connection with any of the activities described in (1) above.

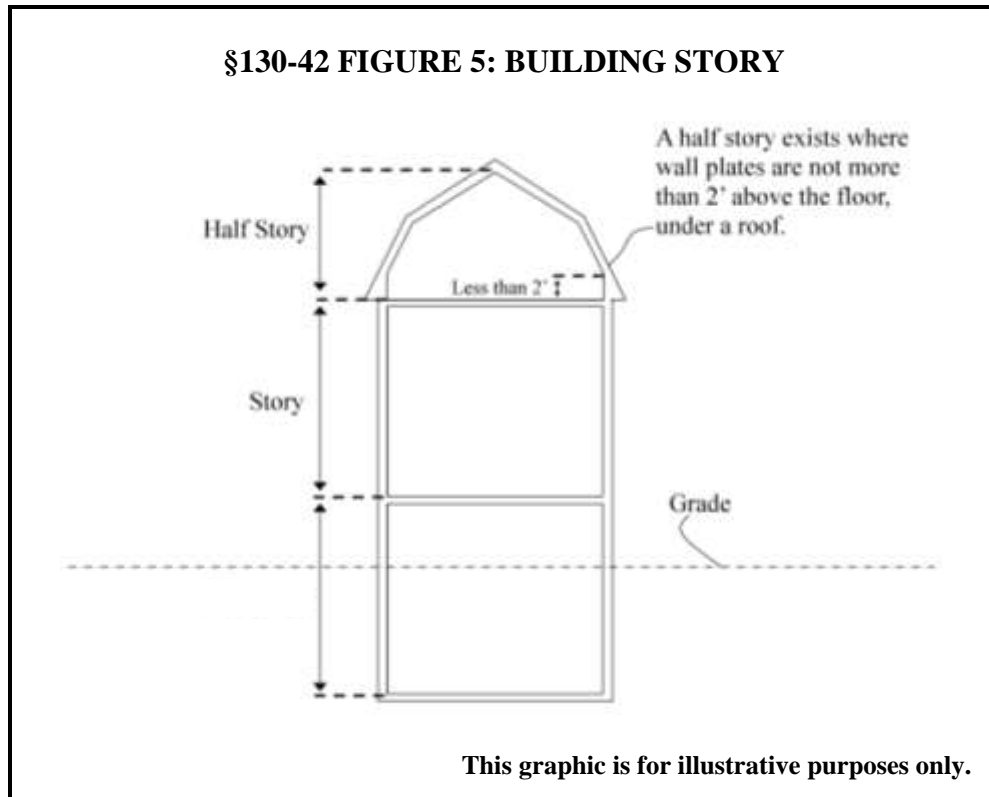
**Storage Yard/Facility/Chemical Storage/Tank Farm (Hazardous Materials)** means the use of land for the outside storage of materials or equipment that contains any hazardous material as part of a Principal Use or Accessory Use. Hazardous materials include, but are not limited to, any chemicals or substances defined as hazardous under federal laws or regulations, chemical storage with a cumulative total in excess of 10,000 pounds or the equivalent in gallons, and any materials subject to conditions and/or performance standards as assigned by the City fire prevention code, the Virginia Fire Prevention Code, EPA, or any other applicable federal standards.

**Storage Yard/Facility/Chemical Storage/Tank Farm (Non-Hazardous Materials)** means the use of land for non-hazardous outdoor storage as a Principal Use including outside storage of materials and equipment that does not include any Permanent Structures except fencing, but not including a Junkyard or Truck Terminal as defined by this chapter. Typical uses include, but are not limited to, building contractors' yards and commercial supply yards.

**Story** means that portion of a Building included between the surface of any floor and the surface of the floor next above it, or, if it is the topmost Story, the portion included between the surface of its floor and the ceiling next above it.

**Story, Half** means a story under a gable, hip, or gambrel roof, where the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such Story.

**§130-42 FIGURE 5: BUILDING STORY**



**Street** means a dedicated way, publicly or privately-owned and/or maintained, which affords the principal means of access to abutting property, including street, avenue, place, drive, boulevard, highway, road, cul-de-sac, court, and any other public way except an Alley, Driveway, or Vehicle Travelway.

**Streetscape** means the combination of Buildings, uses, Landscaping, and furniture located in the area that may either abut or be contained within a street right-of-way or access way that creates the visual image of the street.

**Structure, Permanent** means anything constructed or erected having a permanent foundation, footings, or an attachment to something having a permanent foundation or footings, and that extends eight inches or more above the adjacent yard surfaces.

**Structure, Temporary** means anything constructed or erected without a permanent foundation or footings, and that extends eight inches or more above the adjacent yard surfaces, but excluding a Manufactured Home or Temporary Family Health Care Structure as defined by this chapter.

**Structure, Contributing** means any structure more than 50 years old that represents the period in which it was built by material, design, or other physical features, or is a place of significance that preserves, protects, or enhances the character of the Historic Overlay District in which it is located as listed on the adopted historic district survey adopted pursuant to §130-402.

**Structure, Historic** means any Historic Landmark or Contributing Structure.

**Structure, Noncontributing** means any structure found within a Historic Overlay District that has not been identified and listed as a Historic Structure.

**Subdivision** means any division or re-division of a Lot, tract, or parcel of land into Lots, tracts, or parcels for the purpose of recordation of any single division and subject to the provisions of Chapter 106 of the City Code.

**Tattoo Parlor and/or Body Piercing Salon** means any business that provides tattooing and/or body piercing, as those terms are defined in the Code of Virginia §54.1-700.

**Temporary Outdoor Sales** means a Temporary Use for conducting open air Retail Sales including roadside stands or on-site promotional sales events for a permanent retail store.

**Temporary Use** means Accessory Uses permitted for a limited duration and that are not so recurring in nature as to constitute a permanent or Principal Use in accordance with the requirements of §130-104.

**Traffic Impact Analysis** means an analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the street and highway system.

**Transient Housing** See “Bed and Breakfast”, “Hotel” or “Shelter, Residential”.

**Trash Dumpster** means a customary accessory device consisting of a trash receptacle with or without a lid, designed to hold discarded rubbish, garbage, discarded debris, or recyclables, and that may be designed with a hooking mechanism that permits it to be raised and dumped into a sanitation truck.

**Travel Trailer** See "Recreational Vehicle".

**Tree Canopy/Tree Cover** means the aggregate area of coverage by plant material exceeding five feet in height and measured at the drip line.

**Tree, Heritage** means any tree, which has been individually designated by the local governing body to have notable historic or cultural interest.

**Tree, Memorial** means any tree, which has been individually designated by the local governing body to be a special commemorating memorial.

**Tree, Specimen** means any tree, which has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

**Tree, Street** means any tree planted or designated in the street right-of-way, or on private property as authorized by the owner, as part of the street landscaping.

**Truck Terminal** means the use of land for the loading, unloading, storage, refueling, and routine maintenance of Commercial Vehicles or trucks, tractor-trailers, or other overland multi-axle vehicles.

**Vehicle, Commercial** means the same definition as Vehicle, Oversized

**Vehicle, Fleet** means any motorized truck, van, car, bus, camper, trailer, or semi-tractor owned by any business and used as part of the business activity.

**Vehicle, Inoperable** means any motor vehicle, trailer, semi-trailer, or part thereof that has missing or broken parts, such as a tire, engine, or transmission required for normal operation, or which lacks:

- (1) A current license plate, or current county, city, or town license plate decal or sticker (if required by law); or
- (2) A valid state safety inspection certificate or sticker.

**Vehicle, Length** means the actual measured vehicle length from bumper to bumper plus any attachments, accessories, or load on the vehicle, including an attached trailer.

**Vehicle, Mobile Retail** means any modular unit, trailer, or self-propelled motor vehicle (such as a truck, bus, van, camper, or semi-trailer truck), not located on a permanent foundation, and used for the purpose of dispensing in exchange for compensation any merchandise or product(s) directly to the public from the unit.

**Vehicle, Oversized** means any motor vehicle registered for business use with:

- (1) A gross weight of more than 10,000 pounds;
- (2) Vehicle Length in excess of 21 feet;
- (3) Vehicle Width greater than 102 inches; or
- (4) Any construction equipment including, but not limited to, trailers, lowboys, cranes, well digging apparatus, or other heavy equipment.

**Vehicle Travelway** means a street or designated bicycle trail open to motor vehicles and/or bicycles, but does not include a sidewalk unless the sidewalk is designated by the City as a bikeway in the Comprehensive Plan.

**Vehicle, Width** means the actual measured vehicle width at the broadest points on the vehicle. Accessory attachments exceeding three inches on either side of the vehicle shall be included in the vehicle measurement.

**Vested Rights Determination** means any written order, requirement, decision, or determination regarding the permissibility of a specific use or density of a landowner's property that constitutes a significant affirmative governmental act pursuant to Code of Virginia, §15.2-2307 and is issued in strict accordance with the requirements of this chapter.

**Veterinary Hospital** means the use of land for the provision of medical treatment or care of animals, with accessory overnight supervision of animals in recovery.

**Warehousing and Distribution** means the use of land for storage and dispatching of goods from within enclosed structures. Typical uses include, but are not limited to, storage warehouses or moving/storage businesses. Excluded from this definition are Mini-Warehouse or Self-Storage land uses as defined by this chapter.

**Wellness Facility** See “Personal Improvement Service”.

**Wholesale Trade** means the use of land for selling merchandise to retailers, industrial, commercial, institutional, agricultural, professional business users, other wholesalers, or when acting as agents or brokers in buying or selling merchandise to such persons or companies.

**Yard** means an open area on a Lot unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

**Yard, Front** means a Yard along any street frontage for the full width of the Lot between the Principal Building and the Front Lot Line.

**Yard, Rear** means a Yard provided between a Principal Building and the Rear Lot Line, and measured perpendicular to the Rear Lot Line.

**Yard, Side** means a Yard provided from the Front Yard to the Rear Yard, between a Principal Building and the Side Lot Line, and measured perpendicular to the Side Lot Line.

**Yard Sale, Residential** means a limited customary Accessory Use permitted in all residential districts that includes display and noncommercial sales for the disposal of personal property accumulated by the Family of a residential Dwelling Unit.

**Zoning Administrator** means the public official charged with interpretation and enforcement of this chapter.

**Zoning Certification** means an official document that certifies a specific use or construction on a specific parcel in the City and is consistent with the requirements of this chapter. An official certification must contain notice of appeal as required under Code of Virginia, §15.2-2311.

**Zoning Map** means the official Zoning Map of the City, dated May 29, 1979, together with all amendments subsequent thereto.

**Secs. 130-43—130-50. Reserved.**