

## ARTICLE ~~VX~~. - DEFINITIONS

### Sec. 34-1200. - Definitions

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Abutting* means ~~touching by means of a mutual having a common border with another, or being separated from such other only by a right-of-way, alley or easement.~~

*Accessory building, structure or use* means a building, structure or use located upon the same lot as ~~a~~ the principal use, building, or structure, the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common residential accessory buildings and structures.

*Adjacent* means ~~that two objects or areas of land are near or close to one another; neighboring. Such objects or land may be separated by a right-of-way, alley, or street.~~

*Assisted ~~dult~~ assisted living* means ~~a~~ residential facility ~~within in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The term shall not include the home or residence of an individual who cares only for persons related to him by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or any other facility excluded from~~ the definition of "assisted living facility," set forth within Code of Virginia § 63.2-100.

*Adult day care* means a facility ~~within the definition of "adult day care center." set forth within Code of Virginia § 63.2-100~~ that provides care and protection to four (4) or more aged, infirm or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of Mental Health, Mental Retardation and Substance Abuse Services; or the home or residence of an individual who cares only for persons related to him by blood or marriage.

*Animal shelter* means ~~a facility used to house or contain animals and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or other such incorporated organization devoted to the welfare, protection and humane treatment of animals.~~

*Basement* ~~shall have the same meaning as set forth within the USBC~~ means a portion of the building partly underground, but having more than half its clear height below the average grade of the adjoining ground, ~~except that.~~ ~~W~~hen used within the city's floodplain management regulations (see Article II, Division 1), the term "basement" means any area of a building or structure having its floor sub-grade (below ground level) on all sides.

Comment [RL1]: We don't appear to permit this anywhere; no need for a definitions.

*Bed and breakfast ("B & B")* means a temporary lodging facility operated within a residential single-family detached dwelling that has no more than five (5) guest rooms, and the dwelling, which is either (i) managed by an individual who owns the dwelling and occupies it has his or her residence, or (ii) owner occupied and managed or having a resident by an individual who occupies the dwelling as his or her residence manager; having no more than eight (8) guest rooms; and wherein food service is shall be limited to breakfast and light fare.

*Bed and breakfast (Inn)* means a hotel temporary lodging facility operated within a single-family detached residential dwelling that has, which is owner occupied and managed or having a resident manager, having no more than (15) guest rooms, and the dwelling is either (i) managed by an individual who owns the dwelling and occupies it has his or her residence, or (ii) managed by an individual who occupies the dwelling as his or her residence; and wherein food service may be provided to guests.

*Boarding and grooming, animal* means any premises, including, without limitation, kennels, in which or upon which more than five (5) dogs or more than five (5) cats over six (6) months of age are kept for any purpose.

*Boarding house* means a dwelling unit building containing, or portion thereof, other than a hotel, which contains three (3) or more guest rooms, in which individuals pay rent in return for the use of such rooms as a permanent residence designed or intended to be used, let or hired out for occupancy, for monetary compensation, where the rental or leases are for definite periods of time. Meals may or may not be provided, but there is one (1) common kitchen facility. No meals are provided to outside guests. Also commonly known as a rooming house.

*Boarding house (fraternity and sorority) house* means a use in which congregate living facilities are provided for the members of a fraternity or sorority officially recognized by a college or university, owned or operated by building, or portion thereof, which contains three (3) or more guest rooms, designed or intended to be used as a place of room/board for members of a such fraternity or sorority officially recognized by a college or university. Meals may or may not be provided, but there is one (1) common kitchen facility.

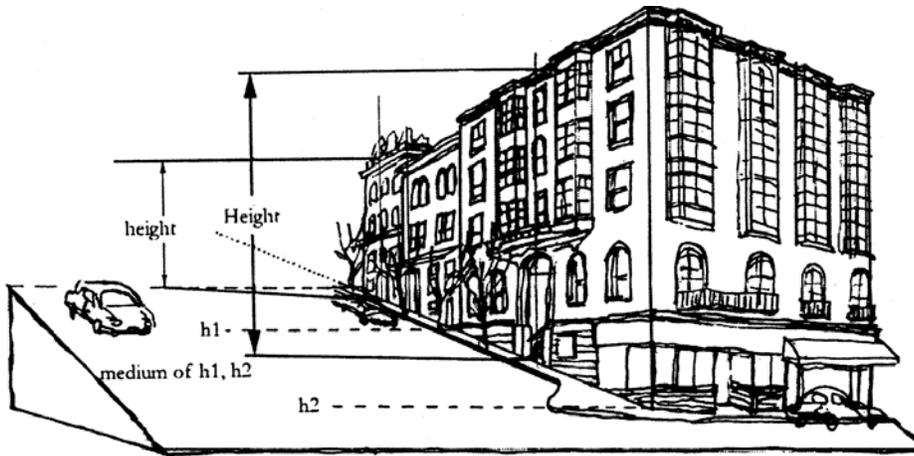
*Building* means any structure having a roof supported by columns or walls.

*Building, principal* means a building other than an accessory building.

*Building height* means the vertical distance measured from the level of the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.

Comment [RL2]: This is inconsistent with the zoning text of 34-1100 and should be deleted—along with the diagram.

Relevant/ necessary wording has been moved to 34-1100



### **Building Height**

*Building permit* refers to the approval required under the Uniform Statewide Building Code for or in connection with the demolition, construction, reconstruction, alteration, repair or conversion of certain buildings and structures (including electrical, plumbing and other permits). This permit is obtained from the city's building code official.

*Building, principal* means a building in which is conducted the principal use of the lot on which it is located. Where a lot contains residential uses, the principal building on the lot shall mean the largest building that contains any dwelling unit.

Comment [RL3]: moved

*Building, institutional (residential)* means a building designed and constructed specifically to provide a congregate residential setting for more than 8 individuals, such as: nursing homes, adult assisted living facilities, residential treatment facilities, shelter care facilities, etc.

*Building site* means a contiguous area of land within a lot, which area is not (i) within any required yard area(s), (ii) within any critical slope(s), (iii) within any steep slope(s) in excess of 25%, or (iii) within any required stream buffer.

*Certificate of appropriateness* refers to a permit or other approval granted issued by a board created by the city pursuant to Code of Virginia § 15.2-2306 to administer the provisions of the city's historic architectural design control, or entrance corridor overlay district regulations.

*Certificate of occupancy* refers to the approval required under the USBC Uniform Statewide Building Code prior to the use or occupancy of certain a buildings or and structures. This permit is obtained from the city's building code official.

*Change of use* means any use which substantially differs from a previous use of land, a building or a structure, or property.

Construction means building, altering, repairing, improving, or demolishing any building, structure, improvement or highway; any clearing, grading, excavating, filling of land; or any similar work or activity on real property.

Convent or monastery means an association or community of recluses devoted to a religious life under a superior; a body of monks, friars, or nuns, constituting one (1) residential community. Includes also "monastery."

Courtyard means an area, open to the sky, framed by the façade(s) of one or more building(s) or wall(s).

Critical slope means any slope (i) having a grade of 25% or more, (iii) having any horizontal run of more than twenty (20) feet, (iii) having a total area of six thousand (6,000) square feet or more, and (iv) any portion of which is within two hundred (200) feet of a waterway.

Develop, used as a verb, means construction that changes any improved or unimproved real estate, including, but not limited to, any buildings and structures. The term includes redevelopment of any real estate.

Development means a ~~development site tract of land developed or to be developed as a unit under single ownership or unified control~~ which is to be used for any commercial or industrial purpose or is to contain three (3) or more residential dwelling units. As the term is used within the city's floodplain management regulations (see Article II, Division 1), it shall also mean any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Development site means a tract of land developed or to be developed as a unit under single ownership or unified control. A tract of land may include one or more lots.

Dormitory means a building, or portion thereof, owned or operated by an educational facility, which provides ~~congregate residential boarding house style~~ accommodations exclusively to students, faculty and employees of such ~~institution~~ educational facility.

Drive-in window or drive-through window each means a facility designed to provide access to ~~commercial~~ goods (including foods and beverages), products and services ~~to for~~ customers remaining in their motor vehicles.

Driveway means a ~~form of~~ private vehicular access from a public street, private road or alley to the interior of a lot ~~or parcel of land~~.

Dwelling means a building, or portion thereof, ~~used for residential occupancy serving as a residence for any persons~~.

Dwelling unit means a building, or any portion thereof, containing ~~one a~~ complete set of living accommodations suitable for ~~residential occupancy by one (1) or more persons, consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants, and~~

Comment [RL4]: Is there a better way to define "driveway"? Because of the Willoughby development proposal (i.e., where the developer wants to build a private street to access a multifamily development, and call it a driveway) we should consider refining this definition.

~~having either direct access from the outside of the building or through a common hall to the outside of the building.~~

*Dwelling, multifamily (MFD)* means a building, or portion thereof, ~~arranged or designed to contain~~ing three (3) or more dwelling units.

*Dwelling, single-family attached (SFA)* means a building containing ~~one a single~~ dwelling unit, where such building is attached or connected to ~~not more than~~ one other ~~similar building single-family dwelling~~ by a common party wall, and ~~in which where~~ each individual dwelling unit is designed and constructed so as to permit its sale as an individual unit.

*Dwelling, single-family detached (SFD)* means a ~~freestanding building that contains one (1) containing a single~~ dwelling unit ~~and, i.e., a building that that is not attached or connected has no attachment or connection~~ by a common party wall to ~~another another similar building building that contains any dwelling unit(s).~~

*Dwelling, single-room occupancy (SRO)* means a multifamily dwelling in which each dwelling unit consists of a single room which: (i) has an area of not more than 450 square feet, or the minimum area required by the USBC, whichever is greater, (ii) contains food preparation and sanitary facilities, and (iii) is occupied by ~~nor~~ more than two (2) individuals as a permanent residence. Each SRO must also provide on-site counseling and training for social, behavioral and job seeking/ training skills for residents.

*Dwelling, townhouse (TH)* refers to any one (1) of a series of single-family ~~attached~~ dwellings, ~~under single or multiple ownership, separated from attached to another one single-family dwelling on one or two sides by means of a common party wall another by continuous vertical walls without openings from basement floor to roof.~~ "Series" refers to a row of three (3) or more townhouse dwellings.

*Dwelling, two-family (TFD)* means a building, or portion thereof, arranged or designed to be occupied by two (2) families, having only two (2) dwelling units.

*Flag* means ~~a piece of cloth or other similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants non-governmental flags are deemed to be signs and shall be subject to the provisions of this chapter. The official flags of the federal, state, county or municipal governments are not deemed to be signs.~~

*Frontage* means the continuous uninterrupted distance along which ~~any land parcel~~ abuts an ~~adjacent road or~~ street.

*Grade* means, with reference to a building ~~or structure~~: a reference plane ~~representing~~ the average level of the finished ground level adjoining a building at ~~adjacent to the exterior walls of the building, or adjoining a structure at its base.~~ In a case where a building's walls are parallel to and not more than fifteen (15) feet from a public sidewalk, the grade may be measured at the sidewalk.

Comment [RL5]: This wording is consistent with the definition of "grade" within the USBC. Thus, representations of height within a proposed site plan should be consistent with representations of height within construction plans submitted to obtain a building permit.

*Guest room* means a portion of a building hired out for use as lodging and which does not contain a complete set of living accommodations. The term excludes A guest room does not include dormitory rooms located within a dormitory on a college or university campus or owned or operated by a college or university.

*Land coverage* refers to the area of a lot or development site that is occupied or to be occupied by the following: ~~buildable lots,~~ buildings, structures, improved parking, driveways, alleys, sidewalks and streets, and other improvements.

*Landowner* shall have the same meaning as “owner”.

*Mixed use development* means ~~a building or project containing~~ residential uses in combination with commercial or other non-residential uses permitted within a zoning district, within the same building or development and/or institutional uses. Except as otherwise set forth within the regulations for a specific zoning district, no use that is or will be merely accessory to, or ancillary to, a residential use shall qualify as a commercial or industrial use, for purposes of this definition.

*NDS* means the city’s department of neighborhood development services

*NDS Director* means the director of NDS

*Occupancy, residential* means individuals residing together as a single housekeeping unit, within a dwelling unit for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: **(i)** one (1) individual person; **(ii)** two (2) or more persons individuals related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); **(iii)** two (2) or more individuals persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children), not to exceed: ; (iv) within certain designated university residential zoning districts: up to three (3) individuals persons unrelated by blood or marriage within the R-1U and R-1SU zoning districts, or ; (v) within all other residential zoning districts: up to four (4) individuals persons unrelated by blood or marriage in all other zoning districts; (iv) individuals residing within a residential facility referenced in group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia Code, § 15.2-2291(A) or (B), which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; (v) a family day home, as defined within Virginia Code §63.2-100, serving up to five children, in addition to the provider’s own children and children who reside in the home under clauses (ii) or (iii), above; or (vii) a group of persons required by the federal Fair Housing Act, or a similar Virginia law, law to be treated as a single housekeeping unit for purposes of the zoning ordinance, in accordance with the Federal Fair Housing Act, or a similar state law.

*Owner* means the holder of title in fee simple of land, or any building, structure, or improvement thereon; and/or, if different, any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted and paid. The term includes: (i) any person who has authority to act as the owner's agent under a power of attorney or other written evidence of an agency relationship with the owner, or (ii) when used in the context of an application process, the term shall include a contract purchaser who provides evidence of the owner's written consent to such application, or the owner's written authorization for the contract purchaser to seek and obtain a zoning permit or approval for a specific use or development. For the purposes of this chapter, the owner of premises on which a sign is located is presumed to be the owner of the sign unless acts to the contrary are officially recorded or otherwise brought to the attention of the NDS Director zoning administrator.

*Planned unit development* means a form of development characterized by unified site design, intended to allow for a variety of housing types and densities, clustering of buildings, common open space, and/or a mix of building types and land uses, in which project planning and density calculations are performed for the entire development rather than on an individual lot basis.

*Plaza* means an open area that, for at least 25% of its perimeter, abuts the edge of a public right-of-way, and the area is either (i) paved, or (ii) a formally configured lawn or park that is primarily unpaved.

*Principal building or structure* means a building or structure that contains the primary function(s) or activity(ies) on a lot.

*Residential treatment facility* means a residential facility as defined in Virginia Code §15.2-2291(A) or (B) in which no more than eight (8) persons reside, together with one (1) or more resident counselors or other resident staff person(s), and for which either (i) the Department of Mental Health, Mental Retardation and Substance Abuse Services, or (ii) in the case of a children's residential facility, as defined with Code of Virginia § 63.2-100, the Department of Social Services is the state licensing authority.

*Sign* means any device (writing, letter, or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner, or pennant, or any other device, figure or character) visible to and designed to communicate information to individuals within a public area. However, the term "sign" excludes: public art, holiday displays, or architectural features, except those that identify products or services or advertise a business use. The term "sign" also excludes a display of merchandise for sale on the site of the display a structure, wall or other object, or portion thereof visible from the public right of way, used for the display of any information or message, including without limitation, any device, structure, fixture or placard using graphics, symbols and/or written copy; provided, however, that this definition shall not include works of art or temporary holiday decorations.

~~*Sign, café* means a sign associated with and located within or attached to an outdoor café, for the purposes of café identification, display of menus, or other information related to the operation of the café.~~

~~*Sign, development* means a sign that only contains the name of a subdivision, a residential building or development~~

~~*Sign, political campaign* means a temporary sign relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election called by a duly constituted public body.~~

~~*Sign, portable* means any sign other than a temporary sign, banner or sandwich board sign not permanently affixed to a building, structure or ground. This category includes, but is not limited to, signs attached to or placed on vehicles displayed on a vehicle which is used primarily for the purpose of such display, and similar devices used to attract attention. This shall not include identification signs on vehicles identifying the owner of the vehicle, or bumper stickers.~~

~~*Sign, sandwich board*, means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four (4) feet high. These signs may also be referred to as "A-Frame" signs, an A-frame sign with two (2) faces that is periodically placed directly in front of the place of business that it advertises, and must be removed during non-business hours.~~

~~*Sign, temporary* means a sign designed or intended to be displayed for a limited specified period of time.~~

~~*Sign, vehicle or trailer* means any sign attached to or displayed on a vehicle, 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 or a current inspection sticker; if it is inoperable; if evidence of paid-to-date personal property taxes cannot be made available; or if the sign alters the standard design of such vehicle or trailer.~~

~~*Single room occupancy (SRO) facility* means a residential building or buildings which contain multiple single room dwelling units. Each unit is for occupancy by no more than two (2) individuals and must meet the building code's minimum floor area standards and have a maximum square footage of four hundred fifty (450) square feet. The unit must contain food preparation and sanitary facilities. The facility must provide counseling and training for social, behavioral, and job seeking/training skills for residents.~~

~~*Street, public* means a right-of-way that has been improved for public use and has been accepted into the City's street system for maintenance.~~

~~*Subdivision* means a development site which is to contain three or more dwelling units, and in which any new lot(s) or streets will be created the division or redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.~~

Comment [RL6]: Moved

Tract of land means one or more lots or parcels of land to be developed as a unit under single ownership or unified control.

Use, principal means the primary function or activity on a lot.

**Vehicle staging and storage**—a use in which passengers are dropped off or picked up, and vehicles are temporarily parked while awaiting a return trip, as part of a valet parking or similar transportation service (such as limousine service, taxi service, etc.)

Veterinary ~~clinic hospital~~ means a place where animals are given medical care administered by one (1) or more professionals licensed by the State Board of Veterinary Medicine, and where boarding of animals is limited to short-term care incidental to such hospital care. Also commonly known as a "veterinary clinic."

Comment [RL7]: Veterinarian clinic is the term that's used in the Use Matrix