



## **TITLE 10, PLANNING AND DEVELOPMENT**

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- Chapter 3 – Common Development Provisions (All Modules)

## **CHAPTER 1 – ZONING**

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## **Article A – General Provisions**

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## Sec. 10-1-1, Title

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This Chapter shall be known as the Zoning Ordinance for the City of Harrisonburg, Virginia. References to “this Ordinance” or “this Chapter” are references to this Zoning Ordinance.

## Sec. 10-1-2, Authority

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The provisions of this Ordinance are authorized by [Title 15.2, Chapter 22, of the Code of Virginia](#).

## Sec. 10-1-3, Purposes

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A. **Generally.** The purposes of this Ordinance are to:

1. *Public Wellbeing.* Promote, in accordance with present and future needs, the health, safety, and general welfare of all people in the City of Harrisonburg, Virginia, and to provide for efficiency and economy in the process of development.
2. *Land Use, Access, Density, and Circulation.* Provide for the appropriate and best use of land and buildings, convenience of access and of traffic, healthful and convenient distribution of population, and circulation of people and goods.
3. *Community Facilities and Assets.*
  - a. Protect against inefficient use of community facilities existing or available, destruction of or encroachment upon historic areas, obstruction of light and air, or loss of life, health or property from fire, flood, panic or other dangers;
  - b. Facilitate the creation of a convenient, attractive and harmonious community; and
  - c. Facilitate the provision of adequate public utilities, public services and facilities.
4. *Design.* Encourage good civic design and arrangement.
5. *Economic Development.*
  - a. Support business creation, retention, and growth;
  - b. Increase the City's competitiveness and economic vitality; and
  - c. Enable and encourage local business growth and entrepreneurship.
6. *Infill and Redevelopment.*
  - a. Establish development standards that adapt to a given project context; and
  - b. Promote compatible reinvestment, renovation, and incremental growth for infill development of vacant or underutilized properties.
7. *Equitable, Affordable Housing.* Encourage the creation and preservation of efficiently located housing options to lower the combined cost of housing and transportation and increase mobility.
8. *Promote Multi-Modal Transportation.* Provide environments that are safe, comfortable, and convenient for all modes of transportation.

B. **Considerations.** This Ordinance has been created with reasonable consideration, among other things, for the existing use and character of property, the [Comprehensive Plan](#), to the character of the district and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and building and encouraging the most appropriate use of land throughout the incorporated territory of the City of Harrisonburg, Virginia.



#### **Sec. 10-1-4, Applicability**

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Except as may be provided elsewhere in this Ordinance:

- A. **Buildings and Land.** No structure or land shall be used, occupied, erected, moved, or altered, as applicable, except in conformity with this Ordinance.
- B. **Lot Modifications.** No lot shall be modified in size so that width, yard requirements, lot area per dwelling unit, or other requirements of this Chapter are not maintained.

#### **Sec. 10-1-5, Jurisdiction**

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This Ordinance shall apply to the incorporated territory of the City of Harrisonburg, Virginia.

#### **Sec. 10-1-6, Abrogation, Conflicting Provisions, and Other Regulations**

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- A. **Minimum/Maximum Requirements.** In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum or maximum requirements as noted.
- B. **Conflict with Private Agreements.**
  - 1. *Conflict.* It is not intended by this Ordinance to interfere with, or abrogate or annul, any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction than are imposed or required by other regulatory documents or private agreements, the provisions of this Ordinance shall govern.
  - 2. *Interpretation.* The City does not interpret or enforce easements, covenants, or other agreements between parties. If the City is a party to private restrictions, and such restrictions conflict with this Chapter, then the more stringent restrictions control.
- C. **Conflict with Other City Regulations.** If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the provisions of this Chapter shall control.
- D. **Conflicts within this Ordinance.** Where the text of this Ordinance conflicts with its tables or illustrative material, the text controls. Where a table of this Ordinance conflicts with an illustration, the table controls.
- E. **Additional Regulations.** The provisions of this Ordinance pose limitations and requirements in addition to all other applicable City, county, state, or federal laws and ordinances. An applicant for development approval is required to comply not only with this Ordinance but with such other additional regulations.

#### **Sec. 10-1-7, Severability**

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- A. **Generally.** If a court of competent jurisdiction holds any Section, Subsection, paragraph, subdivision, clause, phrase or provision of this Ordinance invalid or unconstitutional, the judgment shall not affect the validity of this Ordinance as a whole or any Section, Subsection, paragraph, subdivision, clause, phrase or provision other than the part so decided to be invalid or unconstitutional.
- B. **As-Applied.** If a court of competent jurisdiction holds any Section, Subsection, paragraph, subdivision, clause, phrase or provision of this Ordinance invalid or unconstitutional as it relates to a particular structure, land, or water "as-applied," such judgment shall not be applicable to any other structure, land, or water not specifically included in such judgment.

#### **Sec. 10-1-8, Enactment, Effective Date, and Repeal**

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- A. **Repeal of Conflicting and Predecessor Ordinances.**



1. *Conflicting.* All preceding Zoning Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.
  2. *Predecessor.* The enactment of this Ordinance shall repeal and replace the City's Zoning Ordinance, as adopted on [insert previous ordinance adoption date], by Ordinance [insert ordinance number of previous Ordinance], as amended on [insert most recent amendment], by Ordinance Number [insert most recent amending ordinance number].
- B. **Effective date.** This Ordinance shall take effect and be in force from and after [insert effective date].

## **Sec. 10-1-9, Transitional Provisions and Vesting**

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- A. **Violations Continue.** Any violation of the previous Zoning Ordinance continues to be a violation under this Ordinance and shall be subject to penalties and enforcement under [Article M, Enforcement and Remedies](#), unless the use, development, construction, or other activity now complies with the provisions of this Ordinance. If the use, development, construction, or other activity that was a violation under the previous Zoning Ordinance complies with the express terms of this Ordinance, enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before [insert effective date]. The adoption of this Ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Zoning Ordinance that occurred before [insert effective date].
- B. **Nonconformities Under Prior Ordinance.** Any nonconformity under the previous Zoning Ordinance is a nonconformity under this Ordinance, provided that the situation that resulted in the nonconforming status under the previous Ordinance continues to exist. If a nonconformity under the previous Ordinance becomes conforming as a result of a provision of this Ordinance, then the previously considered nonconformity will no longer be considered a nonconformity.
- C. **Conditional Rezoning.** Adoption of this Ordinance shall not constitute an amendment or variation of any conditions created pursuant to a conditional rezoning approved prior to [insert effective date]. The landowner or applicant for development approval shall remain subject to all such conditions unless amended pursuant to [Sec. 10-1-82, Conditional Zoning](#).
- D. **Illegalities.** A situation that was illegal under the previous Zoning Ordinance does not achieve nonconforming or legal status under this Ordinance merely by repeal of the previous Zoning Ordinance unless the situation is consistent with the express terms of this Ordinance. In such case, enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before [insert effective date].
- E. **Construction in Progress.** Nothing in this Ordinance requires a change in the use, plans, or construction, of any building for which actual construction was lawfully begun before [insert effective date], and on which actual construction has been diligently pursued.
- F. **Approvals Granted Before Effective Date.** Applications listed in [Article J, Administrative Procedures](#), through [Article L, Quasi-Judicial Procedures](#), that have valid approvals on [insert day before effective date], remain valid until their expiration date, if the approval has an expiration. If development activity is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development, or structure shall meet the provisions of this Ordinance in effect at the time of re-application.
- G. **Applications in Review Before Effective Date.** Complete development applications that are in review and pending final action on [insert effective date], shall be reviewed wholly under the terms of the Zoning Ordinance in effect on [insert effective date minus one day].
- I. **Vested Rights.** This Chapter shall apply to all complete development review applications submitted after [insert effective date], with the following exceptions:



1. *Zoning Map Amendments and Special Exceptions.* All complete Zoning Map Amendment and Special Exception applications submitted prior to [insert effective date] shall be processed pursuant to the provisions of the Zoning Ordinance in effect at the time of submittal.
2. *Plats.* All complete Preliminary or Final Plats submitted prior to [insert effective date] shall be processed pursuant to the provisions of the Zoning Ordinance and Subdivision Ordinance in effect at the time of submittal. [Note: This should go in Chapter 2 Subdivision Ordinance OR all of Vested Rights could go in Chapter 3]
3. *Proffers and Special Exception Conditions.* The text of this Zoning Ordinance shall apply to any property covered by previous Zoning Map Amendment proffered conditions pursuant to Section 15.2-2297 of the Code of Virginia except that in those cases where the requirements of this Zoning Ordinance conflict with a specific proffered condition, the proffered condition shall supersede the requirements of this Zoning Ordinance.
4. *Engineered Site Plan.* Nothing in this Zoning Ordinance shall require a change in any plans or construction for a structure where an unexpired Engineered Site Plan was lawfully approved prior to [insert effective date].



## Article B – District Development Standards

### Contents:

- Sec. 10-1-10, Zoning Districts Established
- Sec. 10-1-11, Official Zoning Map
- Sec. 10-1-12, Residential District Development Standards
- Sec. 10-1-13, Nonresidential and Mixed Use District Development Standards
- Sec. 10-1-14, Infill Development
- Sec. 10-1-15, Civic and Open Space Types
- Sec. 10-1-16, Measurements, Modifications, and Allowances

### Sec. 10-1-10, Zoning Districts Established

- A. **Generally.** Table 10-1-10, *Zoning Districts*:
1. Establishes the zoning districts for the City;
  2. Establishes purpose statements for each district; and
  3. Shows the most closely associated districts under the prior Zoning Ordinance.
- B. **Base Zoning Districts.** All properties within the City limits have an associated base zoning district. A base zoning district applies a uniform set of standards, including, but not limited to, those related to:
1. Permitted, limited, special exception, and prohibited uses;
  2. Development standards;
  3. Use standards; and
  4. Building and site design standards.
- C. **Overlay Districts.** An overlay district establishes regulations to modify or supplement the regulations of an underlying base district. The purposes of an overlay district are to:
1. Prohibit uses otherwise allowed in the base district.
  2. Require different building and site design standards than would otherwise apply for the base district; or
  3. Establish additional or different conditions for such uses;
  4. Authorize uses via a set of standards for such uses that are not otherwise allowed in the base district;

**Note to Reviewers:** The Former Zoning District column is provided to assist community members during the review of the Zoning and Subdivision Ordinance rewrite. This column will be removed prior to adoption of the new Ordinances.

Table 10-1-10-1 Zoning Districts		
Zoning District	Purpose: The purpose of this zoning district is to provide for:	Former Zoning District <sup>1</sup>
<b>Residential Districts</b>		
LR, Low-Density Residential	Low-density, relatively spacious single-family detached and duplex residential development and for areas where such development is likely to occur in the future, together with certain public and institutional uses, subject to restrictions and requirements necessary to ensure compatibility with residential surroundings.	R-1, R-2, R-6



**Table 10-1-10-1  
Zoning Districts**

Zoning District	Purpose: The purpose of this zoning district is to provide for:	Former Zoning District <sup>1</sup>
MR, Medium-Density Residential	Medium- to higher-density residential development with a wide variety of housing types and other uses intended to respect the residential built environment which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. Nonresidential development may include public and institutional uses with additional low-impact nonresidential development for infill. It is further intended that conversion from residential use to other permitted nonresidential uses be compatible with the built environment of the district.	R-3, R-4, R-6, R-7, R-8, UR
HR, High-Density Residential	High-density residential development, including all housing types, together with certain public and institutional uses. Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and shared-use paths, so as to provide many choices with regard to mode and route, and to provide a safe and comfortable pedestrian environment that promotes walkability for residents and visitors.	R-5
<b>Nonresidential and Mixed Use Districts</b>		
MUC, Mixed Use Center	An urban and regional center in the City's downtown for the conduct of commercial, financial, professional, and governmental activities to which the public requires direct and frequent access with allowances for residential uses vertically mixed in or in close proximity. Development within this district is typically denser than other parts of the City and generally consists of multi-story buildings that are built to the street; parking that is located on-street, to the rear of the property, built under or on top of a building, or in standalone parking structures; and landscaping and hardscaping that is formal, with regularly-spaced street trees, planters, and street furniture.	B-1
MUN, Mixed Use Neighborhood	The development or redevelopment of coordinated mixed use communities, outside of the downtown, offering an integrated and compatible mix of residential, commercial and employment uses and open spaces, together with certain governmental, educational, religious, recreational and support uses. Innovative building types and creative subdivision design solutions to create neighborhood cohesiveness, walkability, connected transportation systems, community green spaces, and protection of environmental resources.	MX-U, R-P
AUC, Auto-Urban Commercial	Sufficient space in appropriate locations for a wide variety of single-use and multi-tenant commercial centers and multi-family residential uses that vary in scale and provide on-site surface parking predominately in front of the building. The district serves the city, a wide area of the region, and the traveling public, and is generally located along major thoroughfares or near development centers. The district is located where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, or odor and noise associated with manufacturing, processing and other industrial uses.	B-2, B-2C
GI, General Industrial	Manufacturing, processing, storage, and distribution activities that are not properly associated with, nor compatible with, residential and public and institutional development. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and office uses are limited to those that will be useful primarily to employees in the district.	M-1
<b>Overlay Districts</b>		
I-1, Institutional Overlay	Provide for orderly development of certain nonprofit institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, public assembly uses, and institutions providing for the shelter and care of persons.	I-1
FPOD, Floodplain Overlay	The prevention of the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:  Regulating uses, activities, and development, which alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;  Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;  Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,	Floodplain Overlay





**Table 10-1-10-1  
Zoning Districts**

Zoning District	Purpose: The purpose of this zoning district is to provide for:	Former Zoning District <sup>1</sup>
	Protecting individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.	

**Table Notes:**

- The former zoning districts are from the Harrisonburg Zoning Ordinance (Ord. XXXXXX, adopted [insert date], as amended on [insert date], by Ordinance [insert Ordinance number]), which are repealed on the effective date of this Ordinance.

**Sec. 10-1-11, Official Zoning Map**

- A. **Generally.** The boundaries of the zoning districts are established as shown on the Official Zoning Map of the City of Harrisonburg, which is located in the office of the Director of Community Development, and which is recommended and certified by the Harrisonburg Planning Commission as required by law. The Official Zoning Map, as amended, is a part of this Ordinance by reference.
- B. **Zoning Map Interpretation.** Where uncertainty exists with respect to the boundaries of any of the zoning districts, the Zoning Administrator shall make an interpretation according to the following rules:
  1. *Street Centerlines.* Where district boundaries are indicated as approximately following the centerlines of streets or highways or railroad right-of-way lines, such lines extended shall be construed to be boundaries.
  2. *Corporate Limits.* Where district boundaries are indicated as approximately following the corporate limits line of the City of Harrisonburg, such corporate limits shall be construed to be the district boundary.
  3. *Right-of-Way Lines.* Where district boundaries are indicated as approximately parallel to the right-of-way lines of streets or highways, such district boundaries, unless otherwise specifically indicated, shall be construed as being parallel to such right-of-way lines and at a distance determined by use of the scale appearing on the Official Zoning Map.
  4. *Stream Bed Centerlines.* Where district boundaries are indicated as approximately following the centerline of stream beds, such centerline shall be construed to be the boundaries.
  5. *Parcels Under Common Ownership.* Where district boundaries are indicated as dividing parcels of land under common ownership, such boundaries shall be determined by use of the scale appearing on the Official Zoning Map.
  6. *Lot Lines.* Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.
- C. **Board of Zoning Appeals Interpretation.** The Zoning Administrator's boundary interpretation may be appealed to the Board of Zoning Appeals in accordance with [Sec. 10-1-88, Appeal of Administrative Decision](#).
- D. **Annexed territory.** Any territory annexed by the City of Harrisonburg after [insert effective date], shall be considered as being in the LR zoning district until otherwise changed by Ordinance or unless concurrently rezoned in accordance with [Sec. 10-1-86, Zoning Map Amendment](#), at the request of the property owner.

**Sec. 10-1-12, Residential District Development Standards**

- A. **Generally.** Table 10-1-12-1, *Residential District Lot and Building Standards*, establishes the dimensional standards for the various housing / building and development types in the residential zoning districts. Except as provided in Section [10-1-16, Measurements, Modifications, and Allowances](#), and Section [10-1-14, Development Types](#), no lot shall be reduced in size so that the standards of Table 10-1-12-1 are not maintained.





- B. **Setbacks Related to Driveways and Garages.** A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. In no case shall the garage entry extend toward the street beyond the front facade of the habitable space of the structure.
- C. **Measurements, Modifications, and Allowances Reference.** Refer to Sec. 10-1-16, *Measurements, Modifications, and Allowances*, for explanations of, and special provisions related to, the measurements and standards in Table 10-1-12-1.

<b>Table 10-1-12-1 Residential District Lot and Building Standards (See Figures 10-1-12-1 through -6, below)</b>									
Housing/Building Type <sup>1</sup>	Maximum Gross Density (Units / Acre) (for reference only)	Common Civic or Open Space	Minimum Lot		Maximum Building	Minimum/Maximum Setbacks <sup>5</sup>			
			Area <sup>2</sup>	Width <sup>2</sup>	Height	Front	Side Street	Side <sup>3</sup>	Rear
Graphic Legend			A	B	C	D	E	F	G
<b>LR - Low Density Residential</b>									
Single-Family Detached	8	--	5,000 s.f.	50 ft.	35 ft.	20 ft.	15 ft.	7 ft. for 1- and 2-story; 10 ft. for 3 story	20 ft.
Single-Family Attached	7	--	11,000 s.f.	30 ft./unit					
Duplex		--	11,000 s.f.	60 ft.					
Permitted Nonresidential Uses	--	--	5,000 s.f.	50 ft.					
<b>MR - Medium Density Residential</b>									
Single-Family Detached	12	--	3,500 s.f.	35 ft.	35 ft.	15 ft.	10 ft.	7 ft. for 1- and 2-story; 10 ft. for 3-story	15 ft.
Single-Family Attached	14	--	3,000 s.f.	30 ft.					
Duplex	13	--	3,300 s.f.	30 ft.					
Tri- or Quadraplex	21	--	2,000 s.f.	60 ft.	40 ft.				
Townhouse <sup>4</sup>	21	--	2,000	18 ft./unit					
Permitted Nonresidential Uses	NA	--	N/A	N/A	35 ft.	15 ft.	10 ft.	20 ft.	
<b>HR - High Density Residential Conventional Development Type</b>									
Single-Family Detached	15	--	2,800 s.f.	35 ft.	52 ft.	10 ft.	10 ft.	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories	15 ft.
Single-Family Attached	24	--	1,800 s.f.	25 ft./unit					
Duplex		--		50 ft.					
Tri- or Quadraplex		--		60 ft.					
Townhouse		10%		18 ft./unit					
Apartment <sup>5</sup>		10%							
All Permitted Nonresidential Uses	NA	--	5,000 s.f.	50 ft.		10 ft.	20 ft.		



**Table 10-1-12-1**  
**Residential District Lot and Building Standards**  
 (See Figures 10-1-12-1 through -6, below)

Housing/Building Type <sup>1</sup>	Maximum Gross Density (Units / Acre) (for reference only)	Common Civic or Open Space	Minimum Lot		Maximum Building	Minimum/Maximum Setbacks <sup>5</sup>			
			Area <sup>2</sup>	Width <sup>2</sup>	Height	Front	Side Street	Side <sup>3</sup>	Rear
Graphic Legend			A	B	C	D	E	F	G

**Table Notes:**

1. Refer to Sections 10-1-20, *Limited Use Standards*, and 10-1-21, *Special Exception Standards*, for additional standards that may apply to a given housing type.
2. Minimum lot area is calculated on a "per dwelling unit" basis. Minimum lot width applies to the lot regardless of how many dwelling units are on the property.
3. Zero feet is the side setback for the shared party wall between single-family attached units and between townhouse units.
4. No more than two abutting townhouse dwelling units shall have the same front setback. The third unit shall have a minimum variation of two feet from the other two.
5. The maximum number of stories and/or height of an apartment building may be increased by Special Exception Permit as set forth in Section 10-1-84.

**Figure 10-1-12-1**  
**Housing and Building Type Illustrations**

**Single-Family Detached or Manufactured Home**

Minimum Lot		Maximum Building	Minimum / Maximum Setbacks			
A = Area	B = Width	C = Height	D = Front	E = Street Side	F = Side	G = Rear

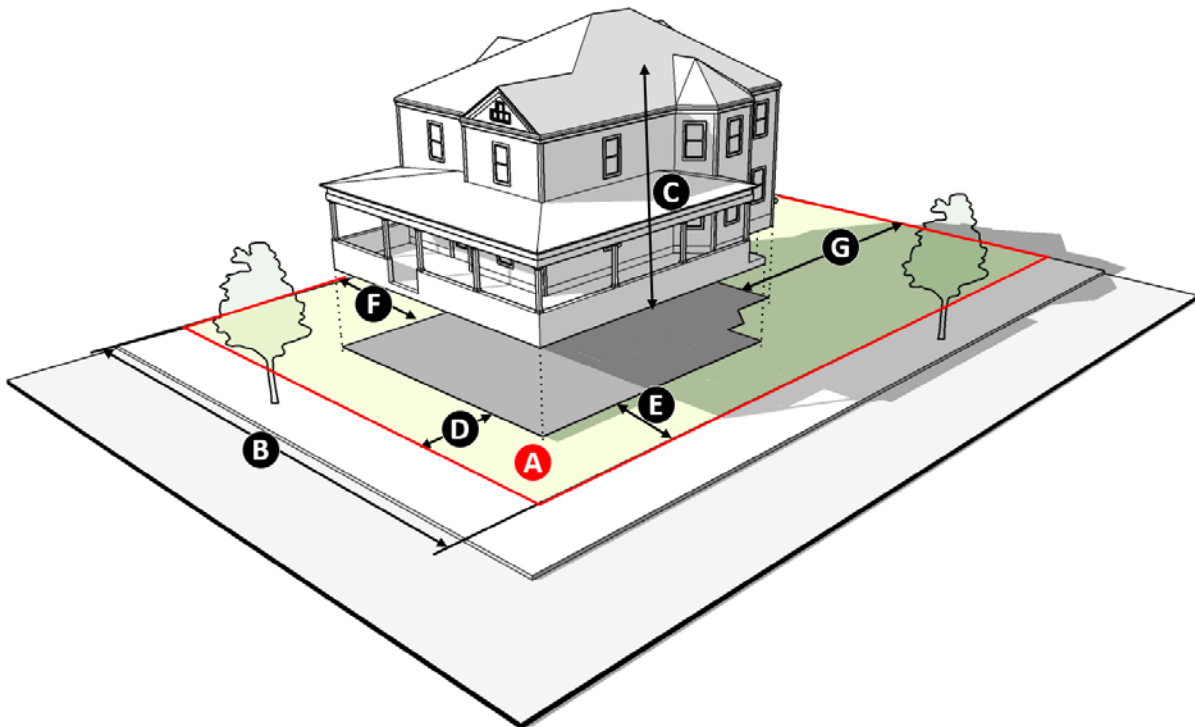
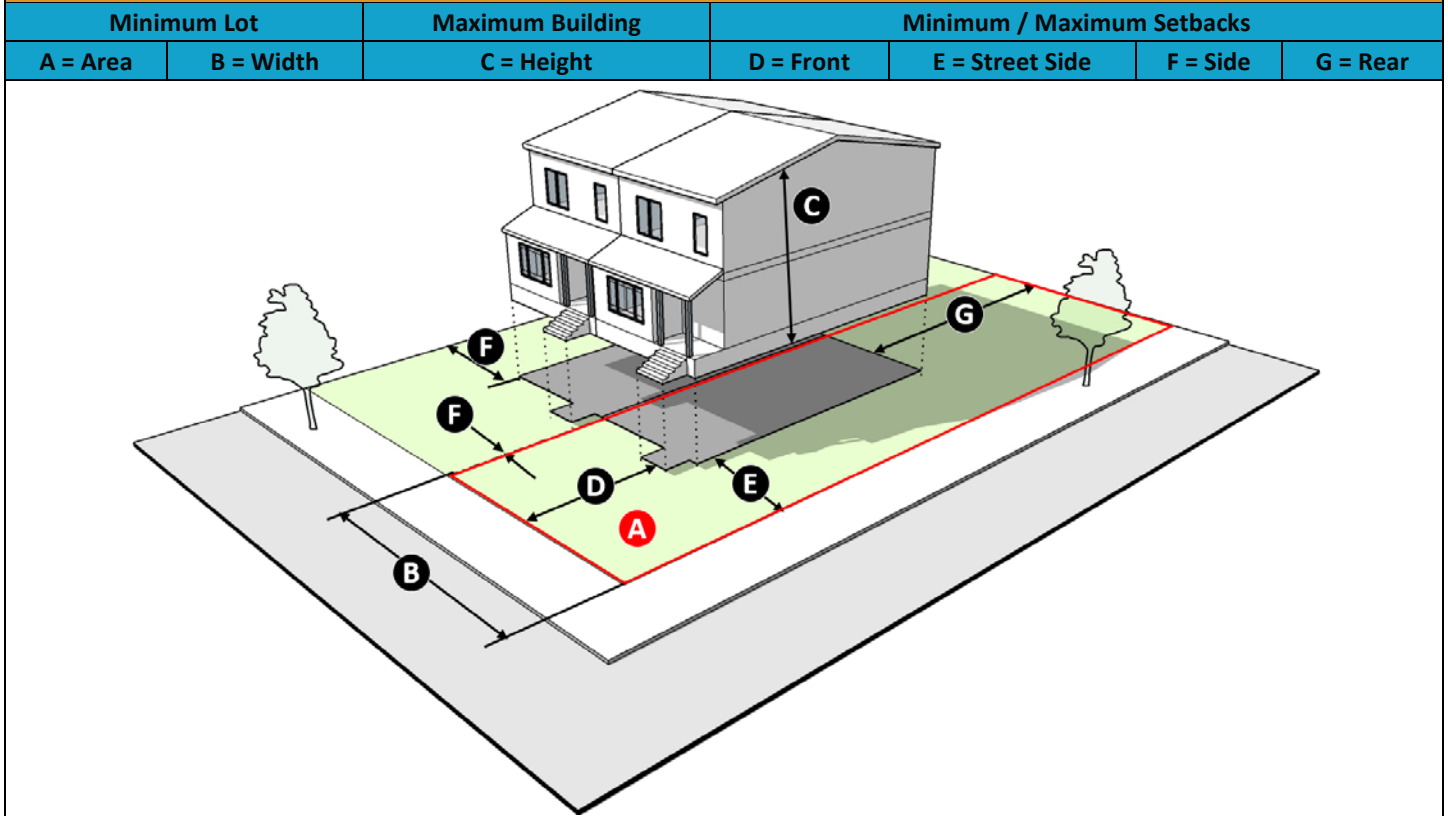




Figure 10-1-12-2  
Housing and Building Type Illustrations

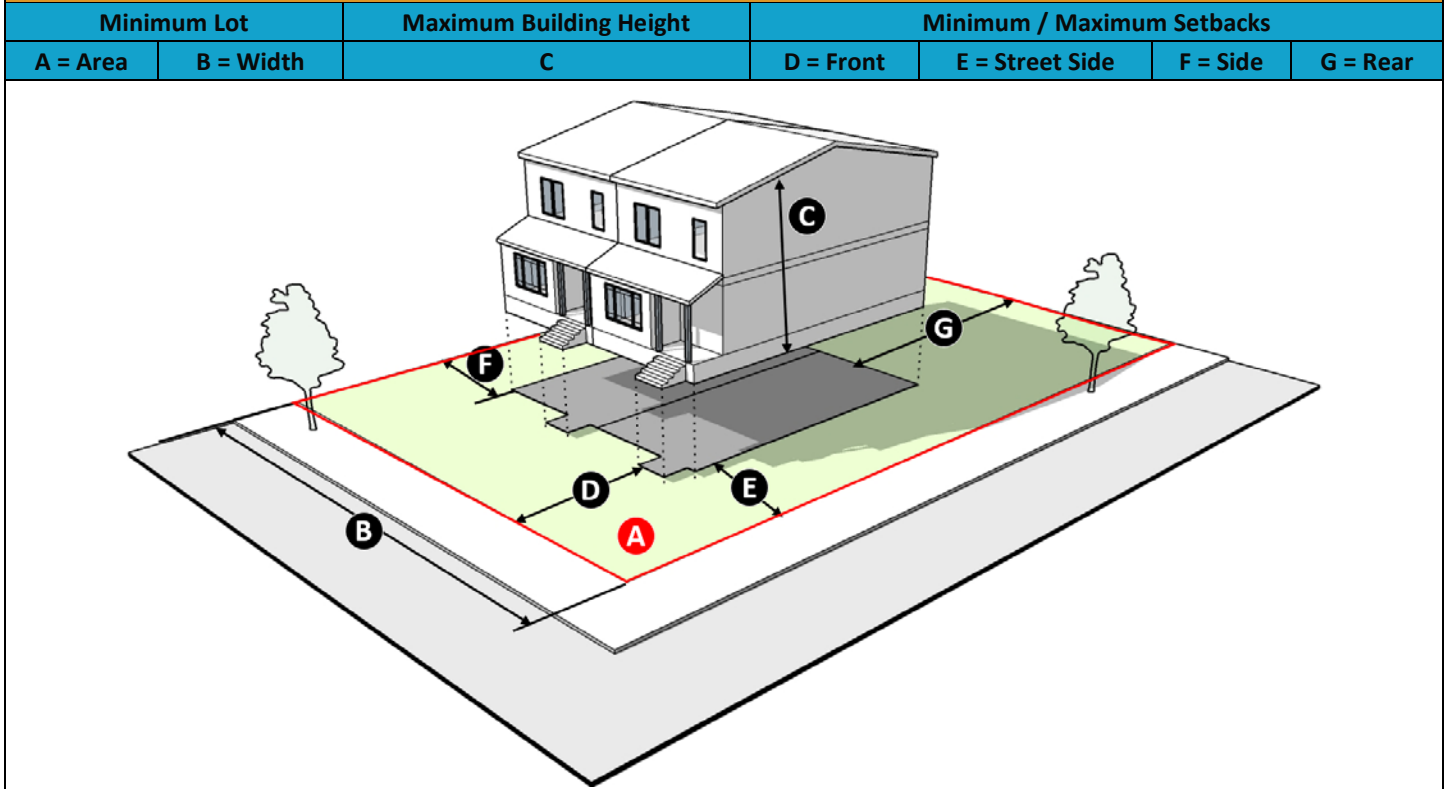
Single-Family Attached





**Figure 10-1-12-3  
Housing and Building Type Illustrations**

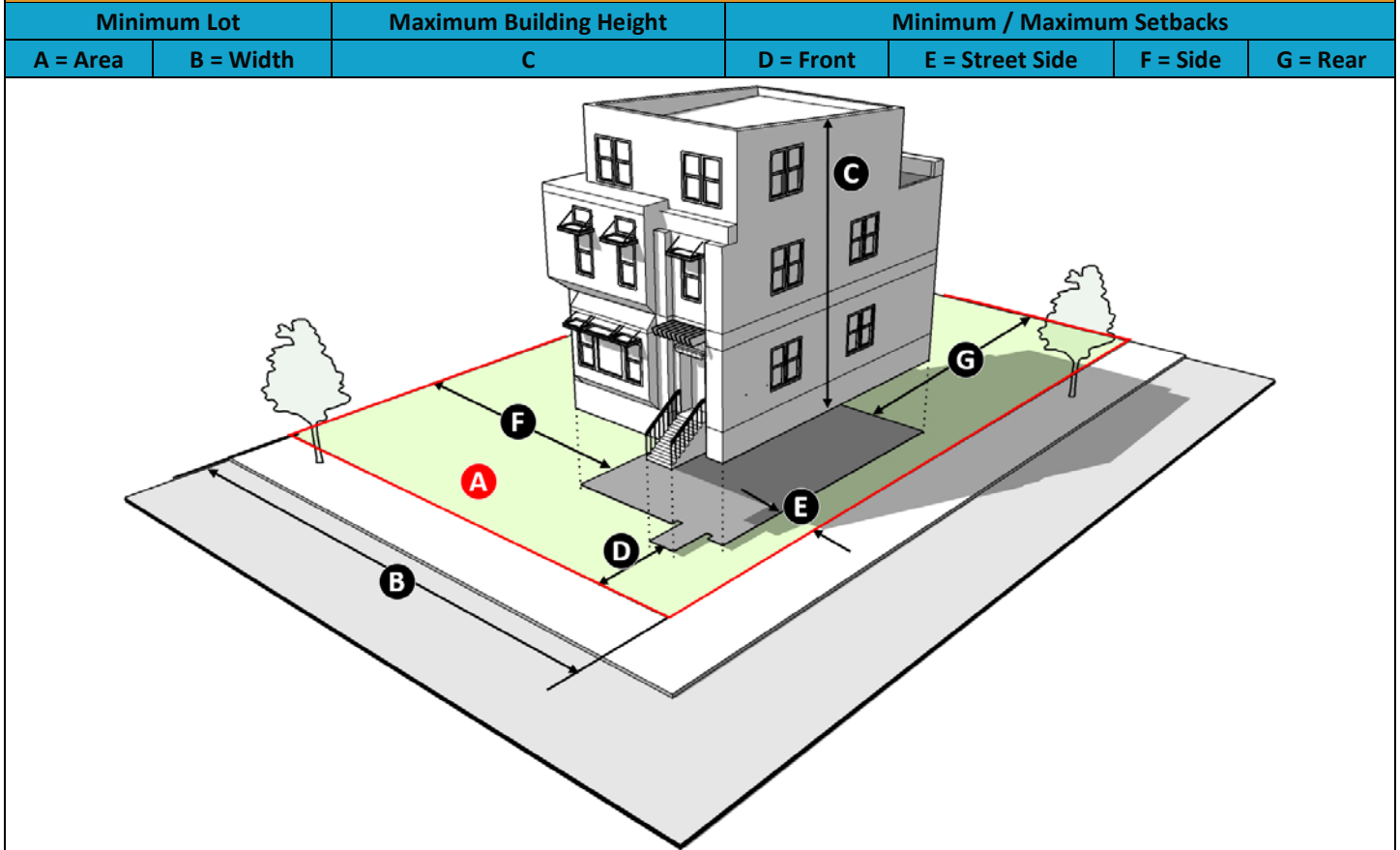
**Duplex**





**Figure 10-1-12-4  
Housing and Building Type Illustrations**

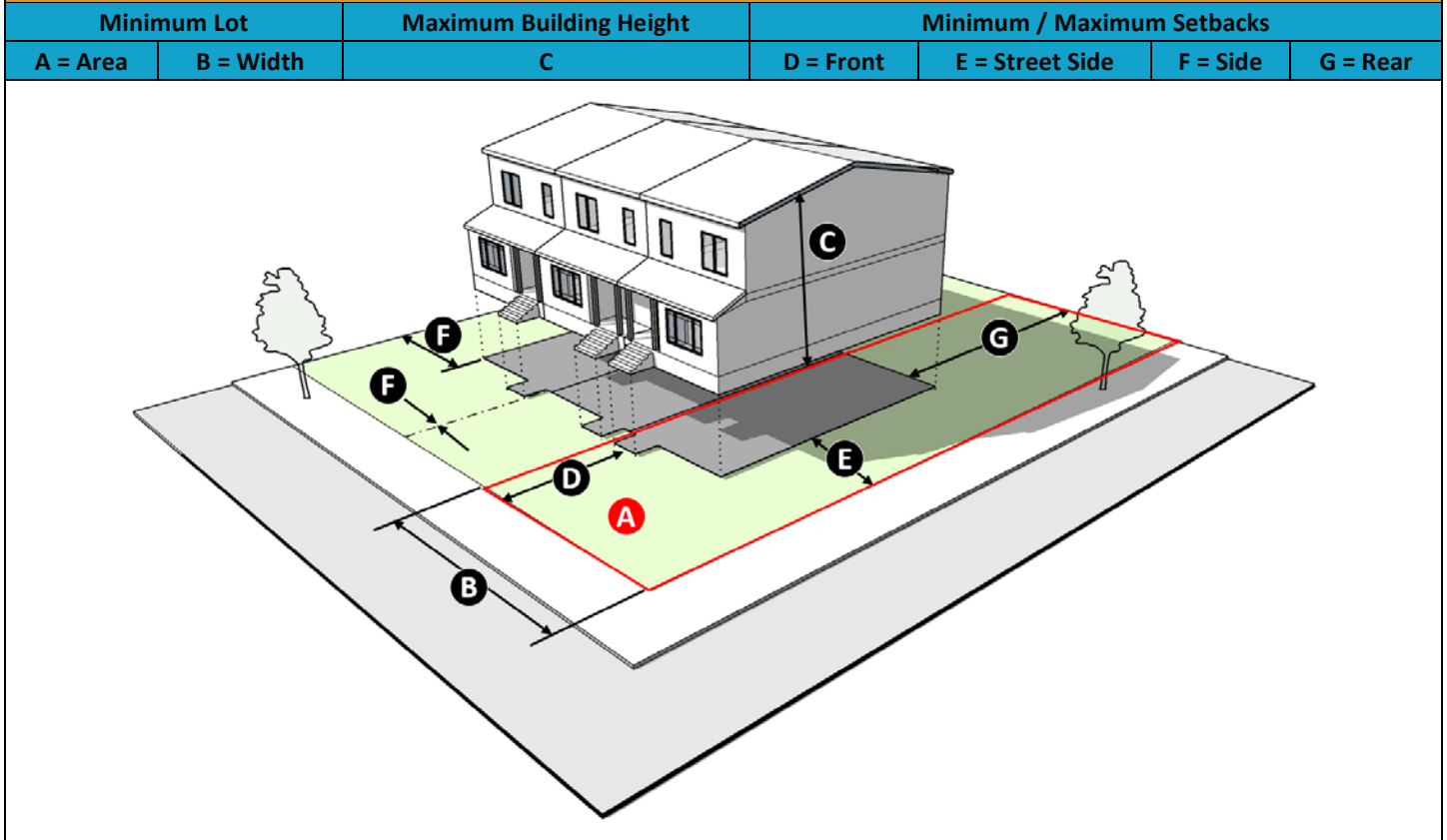
**Tri- or Quadplex**





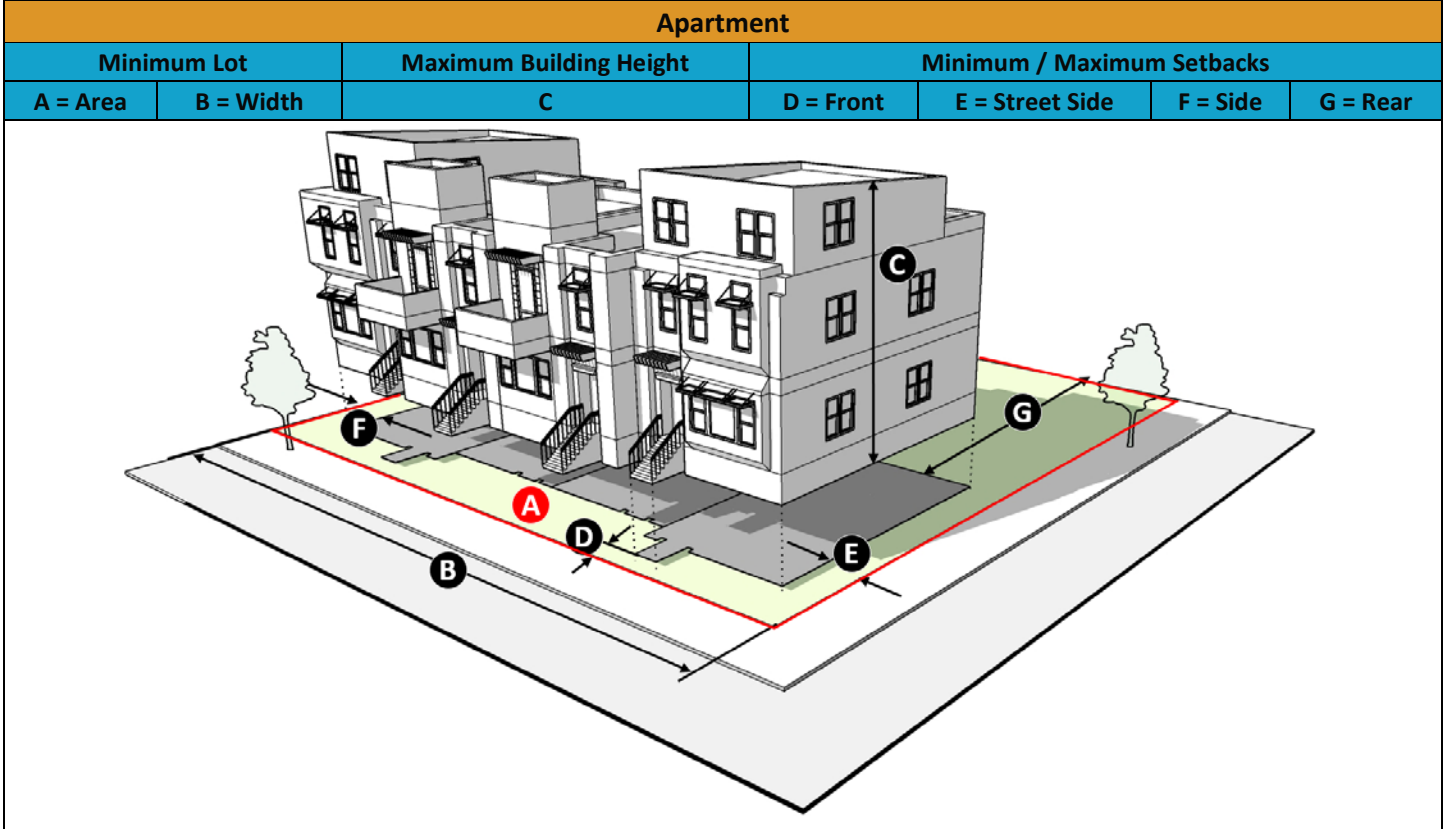
**Figure 10-1-12-5  
Housing and Building Type Illustrations**

**Townhouse**





**Figure 10-1-12-6  
Housing and Building Type Illustrations**



**Sec. 10-1-13, Nonresidential and Mixed Use District Development Standards**

- A. **Generally.** Table 10-1-13-1, *Nonresidential and Mixed Use District Lot and Building Standards*, establishes the dimensional standards for the various housing / building and development types in the nonresidential and mixed use zoning districts. Except as provided in Section 10-1-16, *Measurements, Modifications, and Allowances*, and Section 10-1-14, *Development Types*, no lot shall be reduced in size so that the standards of Table 10-1-13-1 are not maintained.
- B. **Setbacks Related to Driveways and Garages.** A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. In no case shall the garage entry extend toward the street beyond the front facade of the habitable space of the structure.
- C. **Measurements, Modifications, and Allowances Reference.** Refer to Sec. 10-1-16, *Measurements, Modifications, and Allowances*, for explanations of, and special provisions related to, the measurements and standards in Table 10-1-13-1.





**Table 10-1-13-1**  
**Nonresidential and Mixed Use District Lot and Building Standards**  
 (See Figures 10-1-13-1 and -2, below)

Housing/Building Type <sup>1</sup>	Maximum Gross Density (Units / Acre) (for reference only)	Minimum Lot <sup>2</sup>		Maximum Building		Minimum/Maximum Setbacks <sup>4</sup>				
		Area <sup>3</sup>	Width	Height	Frontage Build Out	Front	Side Street	Side <sup>5,6</sup>	Rear <sup>6</sup>	
Graphic Legend		A	B	C	D	E	F	G	H	
<b>MUN- Mixed-Use Neighborhood</b>										
Single-Family Detached	17	2,500 s.f.	35 ft.	75 ft.	90%	0/10 ft.	0/10 ft.	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories	15 ft.	
Single-Family Attached	17	2,500 s.f.	No Minimum	75 ft.	90%					
Duplex	27	1,600 s.f.	25	75 ft.	90%					
Townhouse <sup>8</sup>	27	1,600 s.f.	No Minimum	75 ft.	80%					
Tri- or Quadraplex	34	1,250 s.f.	40 ft.	75 ft.						
Apartment	38	1,120 s.f.	60 ft.	75 ft.						
Mixed Use Building	38	1,120 s.f.	60 ft.	75 ft.						
Other Permitted Uses	--	--	50 ft.	75 ft.		0/15 ft.	0/30 ft.	5 ft.	25 ft.	
<b>MUC - Mixed Use Center</b>										
Single-Family Detached	No Maximum	No Minimum	No Minimum	120 ft.	90%	0/10 ft.	0/10 ft.	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories	
Single-Family Attached										
Duplex										
Townhouse <sup>7</sup>										
Tri- or Quadraplex										
Apartment										
Mixed Use Building						0/5 ft.	0/5 ft.	0 ft.	0 ft.	
Other Permitted Uses	--									
<b>AUC - Auto Urban Commercial</b>										
Commercial Building	--	No Minimum	No Minimum	75 ft.	--	20 ft.	20 ft.	10 ft.	10 ft.	
Townhouse <sup>7</sup>	27	1,600 s.f.								
Apartment	38	1,120 s.f.								
Mixed Use Building										
<b>GI - General Industrial</b>										
Permitted Use	--	No Minimum	No Minimum	75 ft.	--	20 ft.	20 ft.	10 ft.	10 ft.	
<b>Notes:</b>										
<ol style="list-style-type: none"> <li>Refer to Sections 10-1-20, <i>Limited Use Standards</i>, and 10-1-21, <i>Special Exception Standards</i>, for additional standards that may apply to a given housing type.</li> <li>Minimum lot area is calculated on a "per dwelling unit" basis.</li> <li>Where "###/###" is shown, the first number (including zero) is the minimum setback and the second number is the maximum. If only one number is shown, then maximum setback does not apply.</li> <li>Zero feet is the side setback for the shared party wall between townhouse units.</li> </ol>										



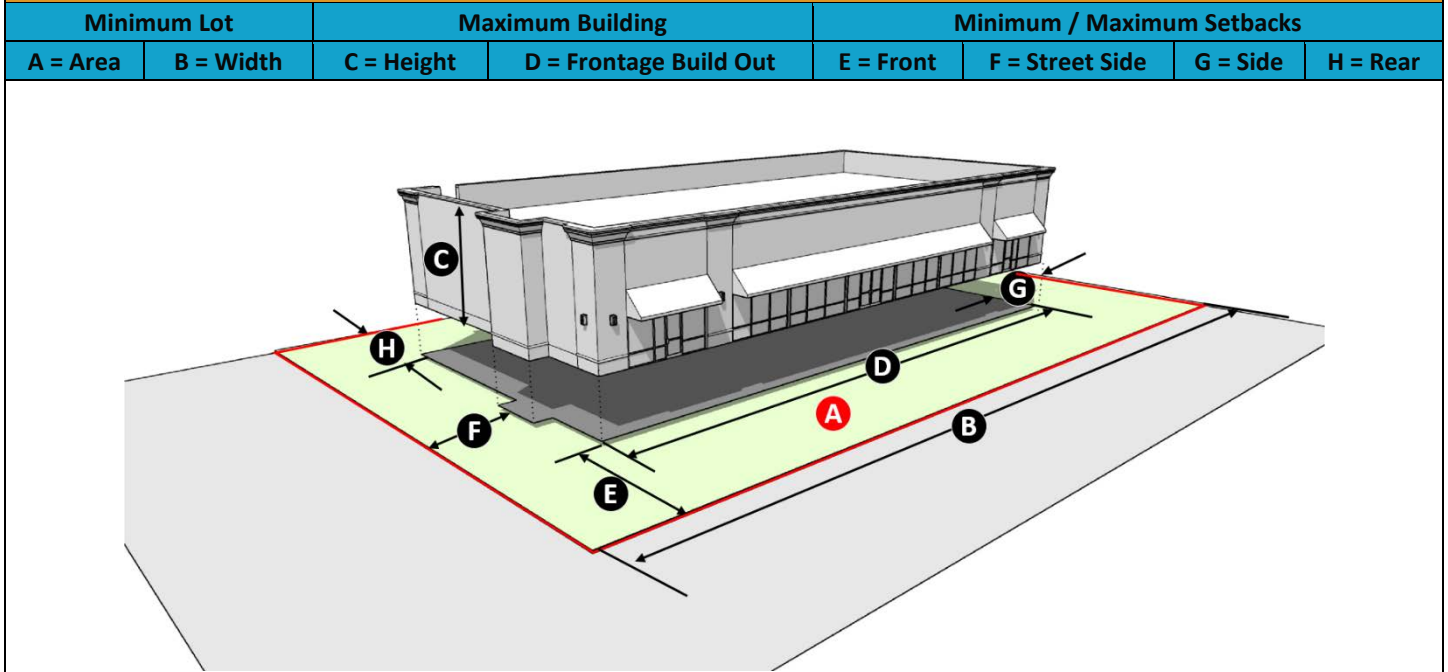
**Table 10-1-13-1**  
**Nonresidential and Mixed Use District Lot and Building Standards**  
 (See Figures 10-1-13-1 and -2, below)

Housing/Building Type <sup>1</sup>	Maximum Gross Density (Units / Acre) (for reference only)	Minimum Lot <sup>2</sup>		Maximum Building		Minimum/Maximum Setbacks <sup>4</sup>			
		Area <sup>3</sup>	Width	Height	Frontage Build Out	Front	Side Street	Side <sup>5,6</sup>	Rear <sup>6</sup>
Graphic Legend		A	B	C	D	E	F	G	H
<b>MUN- Mixed-Use Neighborhood</b>									
Single-Family Detached	17	2,500 s.f.	35 ft.	75 ft.	90%	0/10 ft.	0/10 ft.	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories	15 ft.
Single-Family Attached	17	2,500 s.f.	No Minimum	75 ft.	90%				
Duplex	27	1,600 s.f.	25	75 ft.	90%				
Townhouse <sup>8</sup>	27	1,600 s.f.	No Minimum	75 ft.	80%				
Tri- or Quadraplex	34	1,250 s.f.	40 ft.	75 ft.					
Apartment	38	1,120 s.f.	60 ft.	75 ft.					
Mixed Use Building	38	1,120 s.f.	60 ft.	75 ft.					
Other Permitted Uses	--	--	50 ft.	75 ft.		0/15 ft.	0/30 ft.	5 ft.	25 ft.
<b>MUC - Mixed Use Center</b>									
Single-Family Detached	No Maximum	No Minimum	No Minimum	120 ft.	90%	0/10 ft.	0/10 ft.	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories	7 ft. for 1- and 2-story; 10 ft. for 3 or more stories
Single-Family Attached									
Duplex									
Townhouse <sup>7</sup>									
Tri- or Quadraplex									
Apartment									
Mixed Use Building						0/5 ft.	0/5 ft.		
Other Permitted Uses	--							0 ft.	0 ft.
<p>5. For nonresidential uses, applies if adjacent to a residential use or zoning district. 0' for nonresidential uses if adjacent to any other use or zoning district.</p> <p>6. No more than two abutting townhouse dwelling units shall have the same front setback. The third unit shall have a minimum variation of two feet from the other two.</p> <p>7. Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 30 feet above the designated height limit. The maximum number of stories and/or height of an apartment, commercial, or mixed use buildings may be increased by Special Exception Permit as set forth in Section 10-1-84.</p>									



**Figure 10-1-13-1  
Housing and Building Type Illustrations**

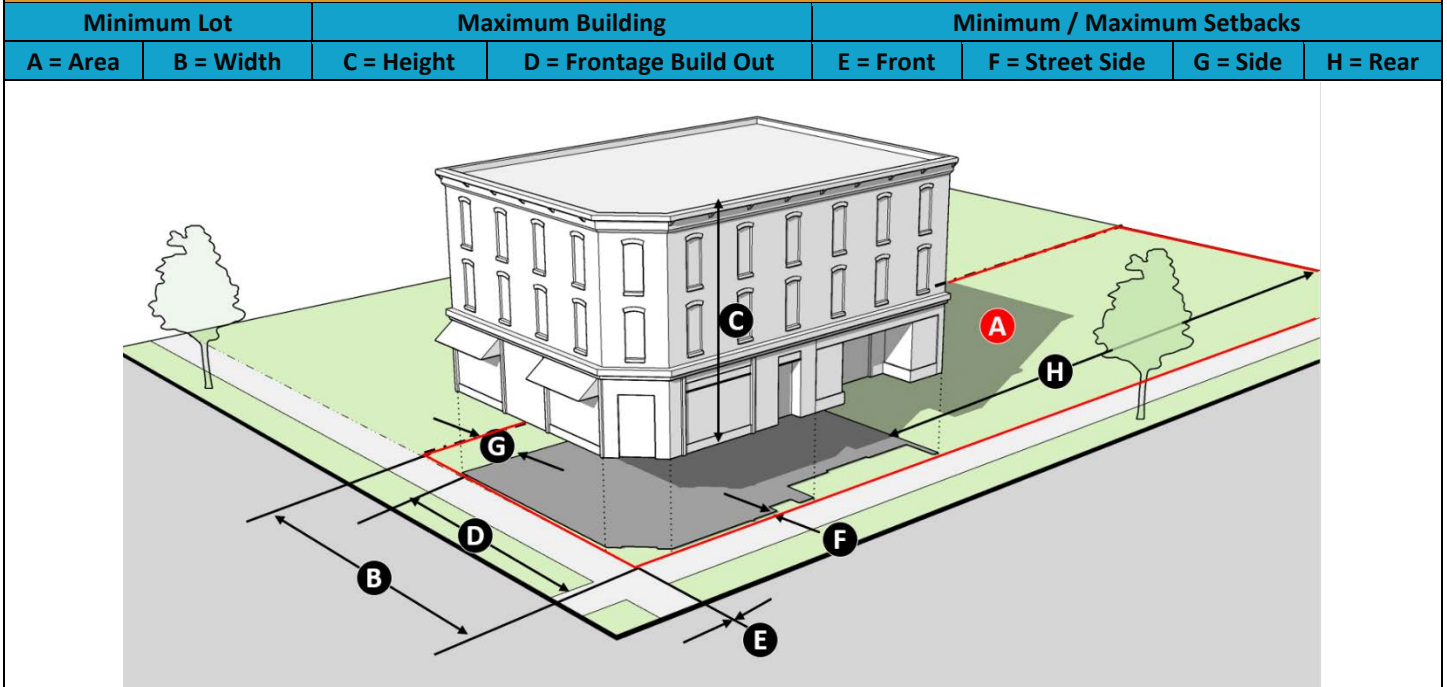
**Commercial Building**





**Figure 10-1-13-2  
Housing and Building Type Illustrations**

**Mixed Use Building**



**Sec. 10-1-14, Infill Development**

- A. **Description.** Infill development, as depicted in Figure 10-1-14-1, *Infill Development Example*, consists of smaller lots, potentially greater densities, and more flexible setbacks than developments permitted under Sec. 10-1-12, *Residential District Development Standards*, or 10-1-13, *Nonresidential District Development Standards*. Infill development makes efficient use of land and infrastructure on vacant or underutilized lots or for occupied structures in already developed areas.



Figure 10-1-14-1  
Infill Development Example



- B. **Eligibility for Infill.** An infill development type may be located on any parcel:
1. *Surrounded by Development.* Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are developed with single-family dwellings or higher density or intensity uses;
  2. *Surrounded by Critical Areas.* Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are encumbered by critical areas and associated buffers near the boundary;
  3. *Surrounded by Easements or ROW.* Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are utility easements or railroad rights-of-way that create a substantial break in development or redevelopment potential; or
  4. *Surrounded by Vacant or Unoccupied Properties.* That is surrounded by existing developed properties and has been vacant or unoccupied for more than one year.
- C. **Civic and Open Space Exemption.** Infill developments that would otherwise require civic and open space (for example, townhouses in the HR district) are exempt from the civic and open space requirements of this Article if they are:
1. *Existing Open Space.* Within 1,370 feet of a publicly owned park or other form of permanent publicly-owned open space; or
  2. *Small Development.* Consist of four or fewer dwelling units.
- D. **Alternative Standards for Vacant or Unoccupied Lots.** In place of the standards in Sec. 10-1-12, *Residential District Development Standards*, and other standards of this Ordinance, the applicant may utilize the following alternative standards where new structures will be built.
1. *Lot Area and Width.* The minimum lot area may be that of the smallest lot in the context of the development. The minimum lot width may be that of the narrowest lot in the context of the development. Refer to Figure 10-1-14-2, *Context Illustrations*, for examples of what constitutes "context."
  2. *Replatting.* Refer to [Chapter 2, Subdivision Ordinance](#), and [Chapter 3, Common Development Provisions](#), for requirements related to replatting existing lots.

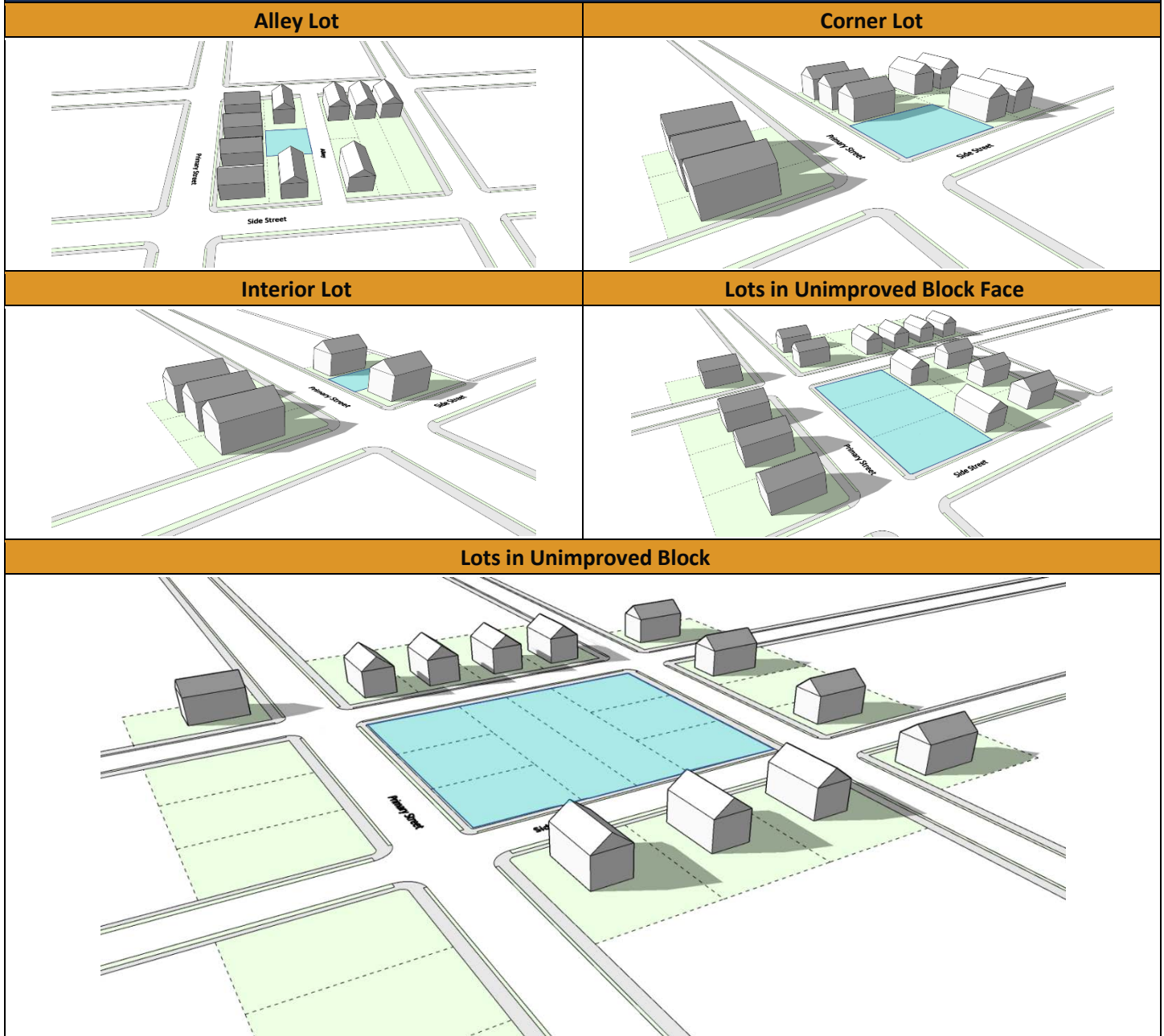


3. *Minimum / Maximum Setbacks.*
  - a. The minimum front or street side setback may be that of 80 percent of the average established front or street side setbacks in the context of the development.
  - b. The maximum front and street side setback, where applicable, may be that of the average of the front and street side setbacks of the context of the development, plus 10 percent.
4. *Buffering.* Except as required for specific uses in Article C, *Use Standards*, where a buffer is required along a street or parking area, or between zoning districts, the buffer width and planting materials per 100 feet may be reduced by 50%.
5. *Parking.* The development may take advantage of the parking credits and reductions in Sec. 10-1-43, *Parking Credits and Reductions*.
6. *Context.* This Subsection identifies various contexts that inform the allowances provided in Subsection d., *Alternative Standards*, above, and as depicted in Figure 10-1-14-2, *Context Illustrations*.
  - a. *Context Types based on Lot Type.*
    - i. *Alley Lot.* If the infill site is an alley lot, then the context is other adjacent alley lots and the surrounding lots within the block that includes the infill site.
    - ii. *Corner Lot.* If the infill site is a corner lot, then the context is as both block faces that includes the infill site.
    - iii. *Interior Lot.* If the infill site is an interior lot, then the context is the block face that includes the infill site and the block face across the street.
    - iv. *Lots in Unimproved Block Face.* If the infill site is within a block face that does not include other lots improved with buildings, then the context is the opposing block face (being immediately opposite the same street as the project site) and the remaining block face that includes the infill site.
    - v. *Lots in Unimproved Block.* If the infill site is within a block that does not include other lots improved with buildings, and the block face opposite the given project site does not include other lots improved with buildings, then the context includes the block faces surrounding the block that includes the infill site.
  - b. *Unclear Context.* Where a context type is unclear or where a dimension of a building or lot within a context is an outlier (skewing the average measurement by greater than 1.5 times the median measurement), the Zoning Administrator may determine the type and extent of the context and exclude outliers based on, as applicable:
    - i. The size of a block or block face (to avoid including the extents of an atypically large block - particularly where such portions are out of view of a given project site);
    - ii. The prevailing orientation of lots or developments within a block or block face; or
    - iii. The prevailing type of development within a block or block face (to avoid incorporating lots that were developed in a demonstrably different manner - such as a strip mall with a parking frontage in the same block as small-scale dwellings built close to the street).





Figure 10-1-14-2  
Context Illustrations



E. **Alternative Standards for Existing Structures.** In place of the standards in Sec. 10-1-12, *Residential District Development Standards*, and other standards of this Ordinance, the applicant may utilize the following alternative standards where adding on to an existing structure.

1. *Purpose.* Many lots within the original most well-established neighborhoods are nonconforming by reason of their lot dimensions and setbacks. The purpose of these standards is to enable new investment and reinvestment in these areas to help sustain their integrity and to make them conforming without requiring Variances. This is done through the alternative standards of this Subsection.





2. **Applicability.** These standards apply to lots platted prior to [insert effective date of first Zoning Ordinance or other key date] in the MR and HR zoning districts.
3. **Conforming Lots and Buildings.**
  - i. **Buildings.** All buildings that lawfully existed prior to [insert effective date of first Zoning Ordinance or other key date] are deemed "conforming" buildings with respect to their height and existing setbacks. Buildings that are not eligible for this relief include those:
    - A. Constructed without required permits or in violation of permit requirements; and
    - B. Proposed for additions or expansions that cannot demonstrate conformance with the standards in Paragraph d., *Application of Standards*, below.
  - ii. **Lots.** All lots that lawfully existed prior to [insert effective date of first Zoning Ordinance] are deemed "conforming" with respect to lot area, required setbacks, and width.
  - iii. **Records.** Where no City or County records exist to verify claims required in this Subparagraph 3., *Conforming Lots and Buildings*, then the applicant may provide, and the Zoning Administrator may consider, photographic or other historic evidence to support a claim of conformity.
4. **Application of Standards.** These standards may be applied if a proposed addition or expansion:
  - i. Does not reduce the area for on-site parking to fewer spaces than required;
  - ii. Allows construction of adjoining lots to be built to the same standard along the same shared property line;
  - iii. Does not result in a nonconformity with respect to the Building Code on either the proposed or abutting lots;
  - iv. Does not materially alter drainage conditions from those existing beforehand in the opinion of the City Engineer; and
  - v. Does not interfere with an easement or fire lane.
5. **Standards.**
  - i. **Front or Street Side Setback.** A front or street side setback may be reduced to the average front or street side setback along the same side of the same street segment in the same zoning district, provided that:
    - A. The lot proposed for an addition or expansion is not counted in the calculation; and
    - B. If the lot takes vehicular access from the front, the driveway shall maintain a minimum length of 20 feet, measured from the property line to a building wall or garage door.
  - ii. **Side and Rear Setbacks.** The interior side and rear yard setbacks may be reduced no greater than the average prevailing setbacks on the lots on either side, provided no interior side setback may be less than three feet, except as allowed in Sec. 10-1-21.B, *Single-Family Detached, Single-Family Attached, Duplex, Tri- or Quadplexes, and Townhomes*, and no rear setback may be less than 10 feet.

## **Sec. 10-1-15, Civic and Open Space Types**

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- A. **Generally.** In order to ensure that a variety of functional, well-designed civic and open spaces are provided in the HR and MUN districts, developments shall have a civic and open space component as required in Sec. 10-1-12, *Residential District Development Standards*, and Sec. 10-1-13, *Nonresidential and Mixed Use District Development Standards*. The requirements of this Section shall only apply to required open space and may serve as recommendations for optionally provided open space.



- B. **Function.** Open space may be integrated into the on-site stormwater management system to maximize the usable portion of a property. Low-impact development improvements may be used, including, but not limited to, bioretention, enhanced detention, and infiltration basins, such as inverted vegetated islands within parking lots, rain gardens, reduced impermeable areas, vegetated swales, rain barrels, and cisterns, and permeable pavements. Areas used for stormwater best management practices shall not be counted to meet minimum open space requirements, except that conserved or converted "open space" areas used in stormwater management compliance and covered under the appropriate Stormwater BMP Maintenance Agreement with the City may be counted.
- C. **Location.** Civic and open space shall be readily accessible to and visible from the street and connected to a public sidewalk.
- D. **Perimeter Access.** A minimum of 25 percent of the perimeter of required open space shall abut a street.
- E. **Configuration.**
  - 1. *Focal Point.* The open space shall be contiguous and serve as a focal point of the development.
  - 2. *Length and Width.* In order to avoid long and narrow spaces, the length of a park or plaza may not exceed three times its width, except where specifically used as a connection to additional recreational resources recognized by the City, such as parks or trails.
- F. **Exclusions.** The following areas shall not be counted as open space:
  - 1. *Yards.* Private yards on individual residential lots;
  - 2. *Driveways and Landscaping.* Driveways, parking areas, and required landscape islands;
  - 3. *Stormwater Management.* Areas used for stormwater best management practices shall not be counted to meet minimum open space requirements, except that conserved or converted open space areas used in stormwater management compliance and covered under the appropriate Stormwater BMP Maintenance Agreement with the City, as established in City Code [Sec. 10-7-10.](#), *Long-Term Maintenance of Permanent Stormwater Facilities—BMP Maintenance Agreement*, may be counted;
  - 4. *Structures.* Land covered by structures not designated for active or passive recreational uses; and
  - 5. *Outdoor Display and Storage.* Designated outdoor display and storage areas, as permitted.
- G. **Central Open Space.** A maximum of 75 percent of the required open space may be consolidated into a centralized public open space in a development. The central open space shall be accessible by pedestrians, bicycles, and vehicles. Sidewalks with a minimum width of five feet shall be provided parallel to but separated by a five-foot wide landscaped tree lawn adjacent to all roadways. A 10-foot wide shared use path may be provided in lieu of the sidewalk.
- H. **Open Space Categories.** Permitted public civic and open spaces include any open space in Table 10-1-15-1, *Public Civic and Open Space Standards*. Permitted private open space includes such amenities as forecourts, courtyards, or other amenities acceptable to the Zoning Administrator.
- I. **Tree Canopy Credit.** Trees in permitted open space types count toward the tree canopy coverage requirements of [Sec. 10-1-51](#), *Tree Canopy and Preservation*.






**Table 10-1-15-1  
Public Civic and Open Space Standards**

Type	Standard
<p align="center"><b>Plaza</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Formal open space</li> <li>▪ Defined seating areas</li> <li>▪ Balance of hardscape and plantings</li> <li>▪ Spatially defined by building entries</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area: 900 square feet</li> <li>▪ Maximum area: 22,000 square feet</li> <li>▪ Minimum width: 30 feet</li> <li>▪ Minimum permeable cover: 25 percent</li> </ul>
<p align="center"><b>Pocket Park</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Formal open space</li> <li>▪ Spatially defined by buildings or streets</li> <li>▪ Open shelters, paths, lawns, and trees</li> <li>▪ Walkways and plantings at all edges</li> <li>▪ Abundant seating opportunities</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area 2,500 square feet</li> <li>▪ Maximum area: 10,000 square feet</li> <li>▪ Minimum width: 60 feet</li> <li>▪ Minimum permeable cover: 60 percent</li> </ul>
<p align="center"><b>Common Green</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Small semi-urban open space responding to specific user groups and space available</li> <li>▪ Range of character can be for intense use or aesthetic enjoyment</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area 5,000 square feet</li> <li>▪ Maximum area: 2 acres</li> <li>▪ Minimum permeable cover: 75%; remainder may consist of amenities, crushed stone, pavers, or other materials and features acceptable to the Director.</li> </ul>



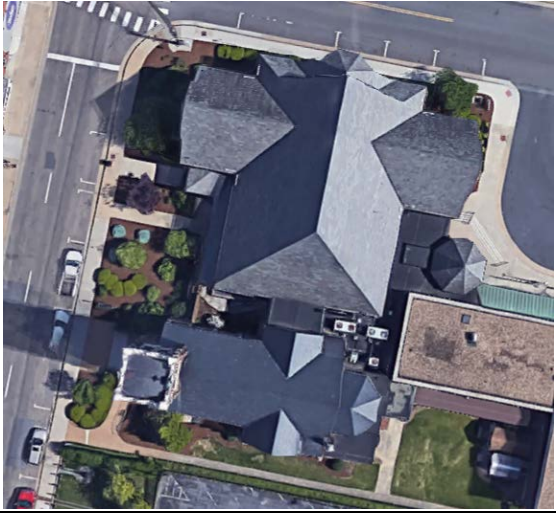

**Table 10-1-15-1  
Public Civic and Open Space Standards**

Type	Standard
<p align="center"><b>Promenade</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Linear shaded public open space</li> <li>▪ Allow for social and commercial activity to spill into the public realm</li> <li>▪ Consist of a hardscape pathway with permeable and/or impermeable pavers and surfaces, and activated by building entries which face onto it</li> <li>▪ Landscaped, and activated with seating areas, patios, sidewalks, fountains, and similar amenities</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum width: 16 feet</li> <li>▪ Maximum width: 30 feet</li> <li>▪ Minimum pedestrian passage width: 8 feet</li> <li>▪ Minimum permeable cover: 20 percent</li> <li>▪ Located to provide inter-block connections from one street to another</li> </ul>
<p align="center"><b>Rooftop Garden</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Vegetated space on top of a flat or gently-sloped roof</li> <li>▪ Space is usable by the general public, residents, employees, or customers</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Roof edge protection: To avoid loose material from falling, a perimeter opaque barrier shall be established on the perimeter of the garden with a minimum height of 42 inches.</li> </ul>
<p align="center"><b>Parklet</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Sidewalk extension that provides seating, plantings, and other amenities.</li> <li>▪ Permitted only on privately maintained streets</li> <li>▪ Typically installed in parallel, on-street parking spaces</li> <li>▪ Extend out from the sidewalk at the level of the sidewalk to the width of the parking space(s)</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area: 180 square feet</li> <li>▪ Maximum area: 360 square feet</li> <li>▪ Minimum planted area: 25 percent</li> <li>▪ Protection: A perimeter barrier shall be established with a minimum height of 36 inches and a maximum height of 42 inches.</li> </ul>





**Table 10-1-15-1  
Public Civic and Open Space Standards**

Type	Standard
<p><b>Civic Space</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Consists of permitted uses for the district in the Government Facilities, Office, and Retail Repair, Sales, and Service use categories</li> <li>▪ Serves as a focal point in the development.</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area: Minimum lot size for the district</li> <li>▪ Maximum area: 7,500 square feet</li> <li>▪ Minimum landscaped area: 25 percent</li> </ul>
<p><b>Natural Area</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Informal natural space</li> <li>▪ Spatially defined by natural features</li> <li>▪ Paths, meadows, and wooded areas are designed to reflect the natural and cultural heritage of the site</li> <li>▪ Potential to interconnect with other natural areas</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area: 1 contiguous acre</li> <li>▪ Minimum width: 25 feet at its narrowest point</li> <li>▪ Located in areas of sensitive environmental resources, including but not limited to woodlands, waterways and riparian buffers, steep slopes, and floodplains</li> </ul>

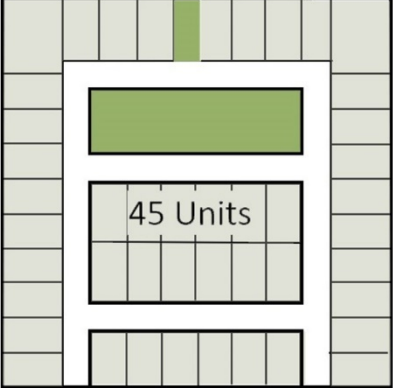
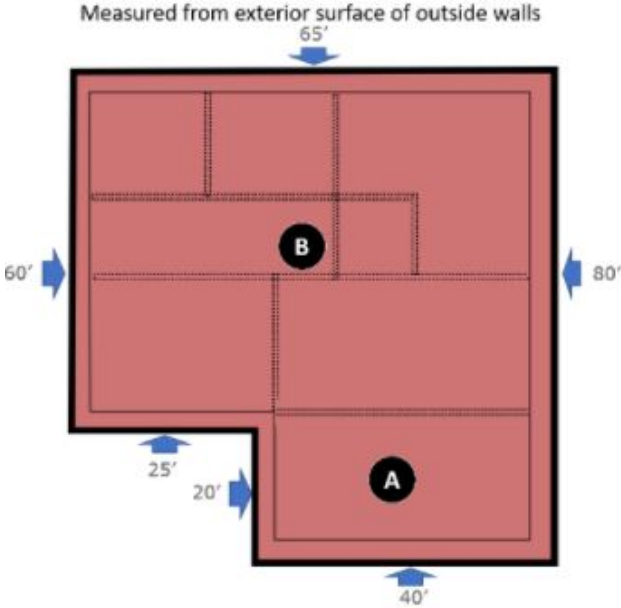
**Sec. 10-1-16, Measurements, Modifications, and Allowances**

**Subsec. 10-1-17.a Measurements**

Table 10-1-17.a-1, *Measurements*, below, provides the method of measurement for the developmental standards in this Ordinance.



**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
Gross Density	The number of dwelling units divided by gross acres.	 <p>Gross Density 10.0 Acres of Land 45 Dwelling Units</p> <p>45 Units / 10.0 Acres = 4.5 Units per Acre</p>
Gross Floor Area	The sum of all the horizontal areas of the floors of a building, measured from the interior faces of exterior walls. GFA includes: (i) Basements, elevator shafts and stairwells at each story; (ii) Spaces used or occupied for mechanical equipment and having a structural head room of six feet, six inches or more; (iii) Penthouses; (iv) Attic space, whether or not a floor has actually been laid, having a structural head room of six feet, six inches or more; (v) Interior balconies; and (vi) Mezzanines. GFA shall not include: (i) Outside balconies that do not exceed a projection of six feet beyond the exterior walls of the building; (ii)	 <p>Measured from exterior surface of outside walls</p> <p>A: 40' x 20' = 800 sq. ft. B: 60' x 65' = 3,900 sq. ft. A + B = 4,700 sq. ft.</p> <p><b>Gross Floor Area</b> = 4,700 sq. ft.</p>



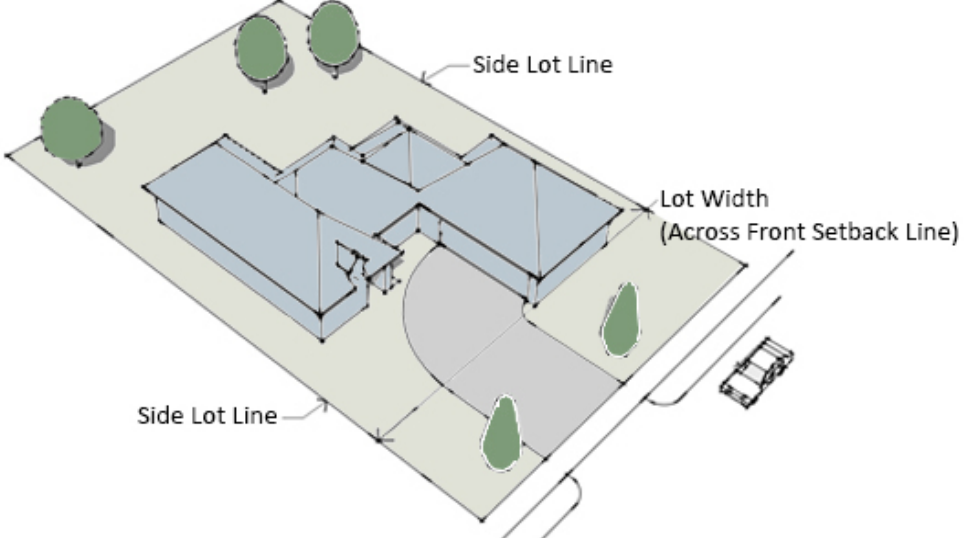
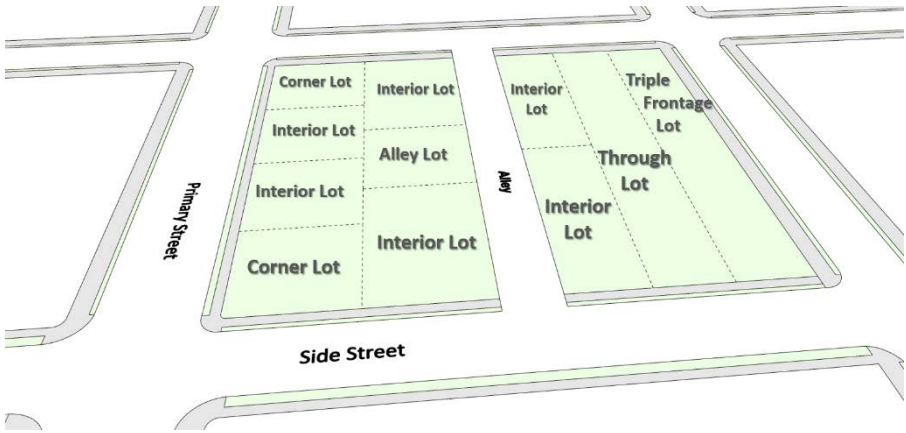
**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
	Parking structures below or above grade; or (iii) Roof top mechanical structures.	
Height	<p><b>Buildings:</b> The vertical distance measured at the average grade around the building perimeter six feet from the building face to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gabled, hip, or gambrel roof.</p> <p><b>Walls or Fences:</b> The height of a wall or fence is measured from the lowest grade level within three feet of either side of the wall or fence to the top of the wall or fence.</p>	<p>The illustration shows four building types with their height measurement points: Gabled Roof (average height between eaves and ridge), Gambrel Roof (average height between eaves and ridge), Flat Roof (highest point of coping), and Mansard Roof (deck line). Below these are three diagrams showing fence or wall height measurement from the lowest grade level within a 3-foot radius on either side to the top of the structure.</p>
Lot Area	The total horizontal area included within property lines.	<p>A diagram of a rectangular lot with a vertical dimension of 65 Ft. and a horizontal dimension of 125 Ft. An arrow points to the lot with the text "Lot Area: 8,125 Ft.²".</p>





**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
Lot Width	The horizontal distance between the side property lines, measured at the minimum required front setback line.	 <p>The illustration shows a 3D perspective view of a building on a lot. Two vertical lines, labeled 'Side Lot Line', are drawn from the building's side walls to a horizontal line representing the 'Front Setback Line'. The distance between these two vertical lines is labeled 'Lot Width (Across Front Setback Line)'. A car is shown on the street in front of the lot.</p>
Lot Types	<p><b>Alley Lot.</b> A lot abutting an alley right-of-way and that does not abut any other street at any point.</p> <p><b>Corner Lot.</b> A lot abutting two streets at their intersection.</p> <p><b>Through or Double-Frontage Lot.</b> An interior lot that fronts on two streets that do not intersect at the boundaries of such a lot.</p> <p><b>Interior Lot.</b> A lot whose side lot lines abut alley rights-of-way or other lots instead of non-alley public or private rights-of-way.</p> <p><b>Triple- / Multi-frontage Lot.</b> A lot abutting more than two non-alley street rights-of-way.</p>	 <p>The illustration shows a street layout with a 'Primary Street' on the left and a 'Side Street' at the bottom. An 'Alley' runs vertically between the Primary Street and the Side Street. Various lot types are shown: 'Corner Lot' (at street intersections), 'Interior Lot' (between lots), 'Alley Lot' (along the alley), 'Through Lot' (fronting both Primary and Side Streets), and 'Triple Frontage Lot' (fronting Primary Street, Side Street, and the Alley).</p>



**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
Setback, required	The horizontal distance required at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and rear setback lines span the entire width or length of the property.	

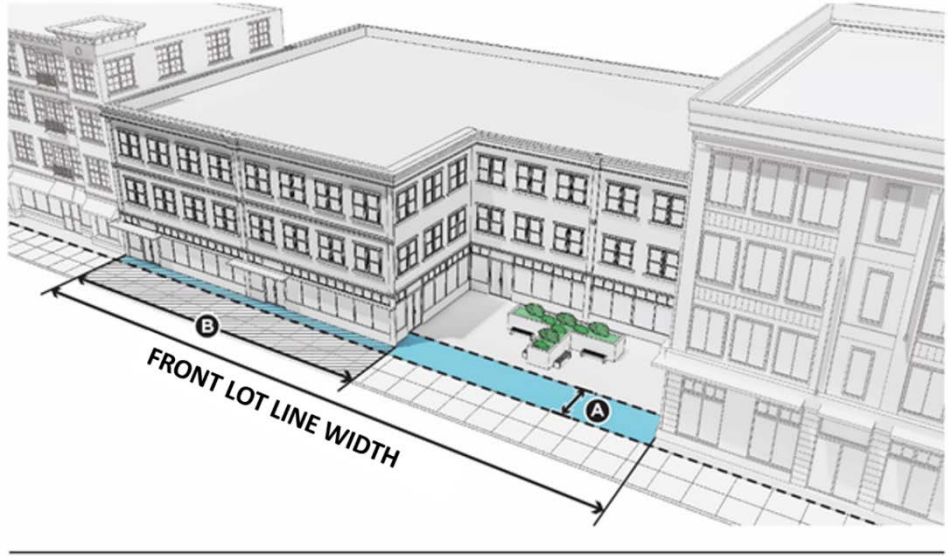
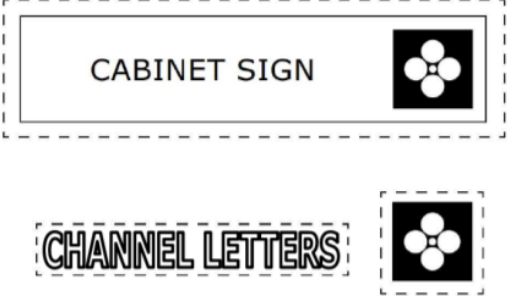


**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
<p>Visibility Triangle</p>	<p>Refer to <a href="#">Chapter 3 of the DCSM</a>.</p>	<p>A and B = 25'</p> <p>A = 6' 6" and B = 2'</p>


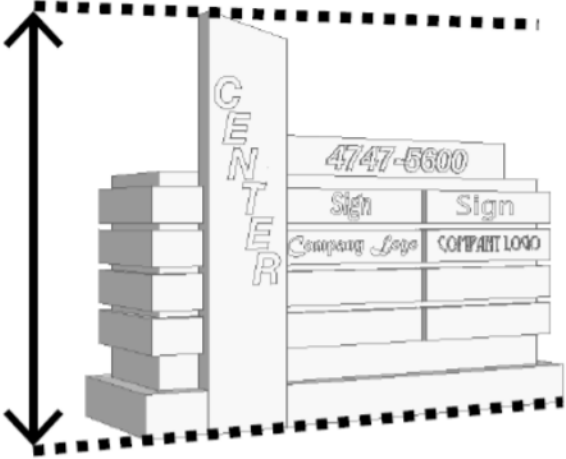
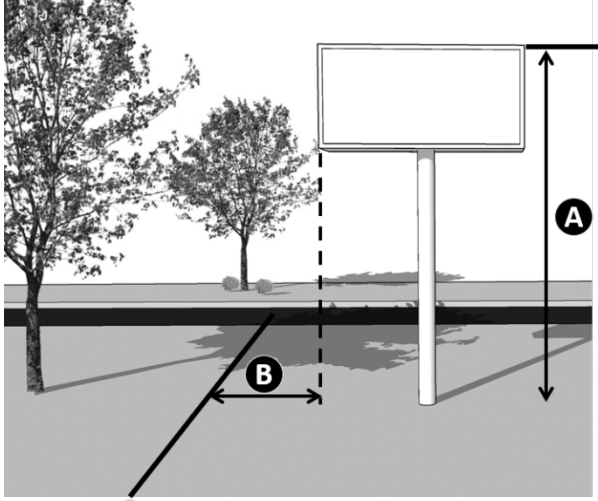


**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
<p>Frontage Buildout</p>	<p>The minimum percentage of the lot width that must be occupied by building façade (B) within the minimum and maximum setback (A). For example, a property which is 100 feet wide with a Frontage Buildout of 60% would require that at least 60 feet of façade length be maintained within the minimum and maximum setback. Any additional length of front façade would be allowed to step back further from the setback range, if desired. The intent of this requirement is to encourage development to maximize its front façade exposure along the Street.</p>	 <p> <span data-bbox="544 1108 576 1134">A</span> Area between the minimum and maximum front street setback                <span data-bbox="1015 1108 1047 1134">B</span> Building width between minimum and maximum setback         </p>
<p>Sign Area</p>	<p>The smallest single rectangle that will enclose the outside dimension of the background panel or surface that includes the sign copy. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign.</p>	



**Table 10-1-17.a-1  
Measurements**

Measurement	Methodology	Illustration
	<p>Supports, uprights, or structures on which any sign is supported are included in determining the sign area if such supports, uprights, or structures are designed in such a way as to form an integral part of the message of the sign.</p>	
<p>Sign Height</p>	<p>The distance from the topmost point of the sign to the lowest grade level adjacent to the sign. The base and sign supports are included as part of the sign height.</p>	
<p>Sign Setback</p>	<p>The distance from a property line to the nearest part of the sign.</p>	 <p>A = Sign Height   B = Setback   C = Property Line</p>

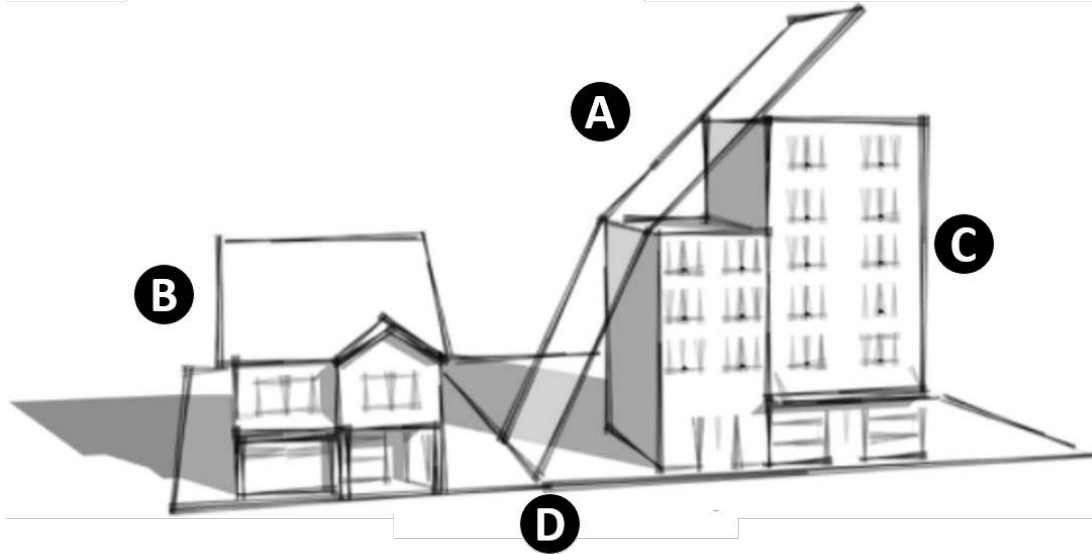


### Subsec. 10-1-17.b Modifications and Allowances

1. **Purpose.** The regulations set forth in this Subsection modify, supplement, or qualify the regulations appearing elsewhere in this Ordinance.
2. **Setbacks.**
  - a. *Architectural Features.* Architectural treatments and functional elements, including, but not limited to: chimneys, moldings, rain gutters, downspouts, roof eaves, buttresses, and bay windows, shall be allowed to project not more than two feet, eight inches into the required yard setback, provided they do not include additional floor space.
  - b. *Safety Features.* Fire escapes and other required means of egress from any building may project into a required yard setback, provided that they are uncovered and unenclosed.
  - c. *Side or Rear Setback.* Terraces, patios, completely unenclosed porches, decks, uncovered swimming pools and other similar features may project into a side or rear yard provided these projections are at least five feet from any adjoining property.
  - d. *Front Setback.* An open and completely unenclosed porch, deck, or paved terrace, excluding driveways, which may abut a property line, may project into the front yard for a distance of not more than one-third of the front setback.
  - e. *Vehicle Fuel Stations.* Vehicle fuel station pump islands that dispense fossil fuel may be located within the front setback provided they are not less than 15 feet from any property line or easement, and not less than 50 feet from the property line of any dwelling or residential or mixed use district.
  - f. *Reduced Side Setbacks.* Except in the HR district and except as allowed in Sec. 10-1-21.B, *Single-Family Detached, Single-Family Attached, Duplex, Tri- or Quadplexes, and Townhomes*, where a lot of record is less than 60 feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five feet.
  - g. *Through Lots.* On through lots improved with a principal building, the required rear setback shall apply to the rear of the lot.
3. **Setback Plane.** As illustrated in Figure 10-1-17.b-1, *Setback Plane*, below, any structure greater than 35 feet in height in the HR, AUC, and GI districts that abuts a residence other than an apartment in the LR or MR district shall require one additional foot of setback for each foot above 35 feet.



Figure 10-1-17.b -1  
Setback Plane



**Figure Notes:**

A = 1 Additional Foot of Setback Required for Each Foot Over 35 Feet | B = Residence other than apartment in LR or MR | C = Apartment, Mixed Use, or Nonresidential Building in AUC or GI | D = Property Line

**4. Height.**

- a. *Architectural Features.* The height limitations of this Ordinance shall not apply to the architectural features such as chimneys, and spires and necessary accessory structures such as water towers, smoke-stacks, and conveyors, which are incidental to uses permitted in nonresidential districts.
  - b. *Telecommunications.* Except as otherwise allowed in this Paragraph, attached or detached private communication antennas, including dish antennas, shall not exceed the maximum height otherwise permitted. They shall not be permitted in front yards but are permitted on the front facade of a building, Private amateur radio antennas may exceed 75 feet above ground so long as the height is justified by reasonable and customary engineering practices for proper radio communications.
5. **Multiple Principal Buildings.** Except for residential buildings in the LR and MR districts, more than one principal building may be constructed upon an unsubdivided parcel of land as density allows. Building separation shall be as measured at the closest point between building walls and shall not be less than 10 feet.





## Article C – Use Standards

### Contents:

- Sec. 10-1-17, Purpose and Applicability
- Sec. 10-1-18, Use Table Legend
- Sec. 10-1-19, Use Table
- Sec. 10-1-20, Limited Use Standards
- Sec. 10-1-21, Special Exception Permit Standards
- Sec. 10-1-22, Floodplain Overlay District (Module 2)
- Sec. 10-1-23 Institutional Overlay District (Module 2)
- Sec. 10-1-24, Accessory Uses and Structures
- Sec. 10-1-25, Temporary Uses and Structures
- Sec. 10-1-26, Wireless Telecommunication Facilities
- Sec. 10-1-27, New and Unlisted Uses

### Sec. 10-1-17, Purpose and Applicability

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- A. **Applicability.** These standards apply to the establishment of new uses or changes in use.
- B. **Purpose.** The purpose of this Article is to establish the allowable land uses in each base zoning district and to provide standards for principal, accessory, and temporary uses.

### Sec. 10-1-18, Use Table Legend

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- A. **Using the Use Table.** Table 10-1-19-1, *Use Table*, lists land uses in rows, organized by use category. The base zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, permitted with limitations, special, or prohibited in the district.
- B. **Use Categories.** Uses are grouped in Table 10-1-19-1 by use category. Use categories are defined, and specific uses that make up a use category are listed, in Section 10-3-26, *Definitions*.
- C. **Abbreviations.** Table 10-1-19-1 uses the following abbreviations:
  - 1. "P" means that the land use is permitted by right, subject to the standards that apply to all permitted uses.
  - 2. "L" means that the land use is permitted with limitations, in the same manner as a Permitted Use, but is also subject to Section 10-1-20, *Limited Use Standards*.
  - 3. "S" means that the use is allowed as a Special Exception, which may be approved following a public hearing by the Planning Commission and the City Council, subject to:
    - a. Section 10-1-21, *Special Exception Standards*; and
    - b. The procedures set forth in 10-1-84, *Special Exception Permit*.
  - 4. "L/S" means that the use is permitted with limitation based on residential occupancy status or allowed as a Special Exception depending on the district.
  - 5. "P/S" means that the use is permitted by right or allowed as a Special Exception depending on the district.
  - 6. "--" means that the use is a Prohibited Use in the specified zoning district.
- D. **Special and Limited Uses.** Where a specific use is a Special Exception in a given district and permitted with limitations in another district then the standards for the use are located in Section 10-1-21.



- E. **Accessory Uses and Standards.** The use categories listed in Table 10-1-19-1 and defined in Sec. 10-3-26, *Definitions*, establish the accessory uses permitted in conjunction with a principal use. See Section 10-1-24, *Accessory Uses and Structures*, for requirements associated with the placement and limitations of accessory uses and structures.
- F. **Standards.** The "Standards" column provides a reference to associated standards for uses permitted with limitations and for Special Exceptions. Where "N/A" is in the column, there is no associated standard because the use is permitted by right.

**Sec. 10-1-19, Use Table**

- A. **Base Districts.** Permitted uses for all base zoning districts are identified in Table 10-1-19-1, *Use Table*, below.
- B. **Special Purpose and Overlay Districts.**
  - 1. *FPOD.* Permitted uses in the Floodplain Overlay District (FPOD) are identified in Subsection 10-1-22.A; and
  - 2. *URO.* Permitted uses in the University Residential Overlay District (URO) are identified in Subsection 10-1-22.B.
- C. **Prohibited Uses.** The following uses are prohibited in the City and shall not be interpreted as being allowed in any zoning district:
  - 1. New manufactured home parks and newly placed mobile homes (refer to Sec. 10-1-66, *Nonconforming Uses*, for provisions that govern existing manufactured home parks and mobile homes);
  - 2. Slaughtering of animals other than poultry; ~~and~~
  - 3. Wrecking, junk, or salvage yard;
  - 4. Animal husbandry; and
  - 5. Drive-in or Drive-through uses in the MUC district.

Table 10-1-19-1, Use Table									
Use Category	Specific Use <sup>1</sup>	Residential			Mixed-Use		Non-residential		Standards
		LR	MR	HR	MUN	MUC	AUC	GI	
<b>Agriculture</b>									
Agriculture and Animal Services	Beekeeping or Apiary	L	L	L	L	L	--	--	10-1-20.A.1
	Chickens, Keeping of	L	L	L	L	L	--	--	10-1-24.B.5
	Community Garden or Food Forest	--	L	L	L	L	--	--	10-1-20.A.2
	Animal Boarding and Dog Kennel	--	--	--	--	--	--	P	10-1-20.A.3
	Plant Nursery, Greenhouse, and Landscaping Retail	--	--	--	--	--	L	P	10-1-20.A.4
	Veterinary Clinic and Hospital	--	--	--	--	--	P	P	N/A
	All Other Agriculture and Animal Services	--	--	--	--	--	--	L	10-1-20.A.5
<b>Residential</b>									
Household Living	Dwelling, Accessory	L	L	L	L	--	--	--	10-1-24.B.3
	Dwelling, Apartment	--	--	S	L	L	S	--	10-1-20.B.1
	Dwelling, Single-Family Attached	L/S	L/S	L/S	L/S	L/S	--	--	10-1-20.B 10-1-21.B
	Dwelling, Single-Family Detached	L/S	L/S	--	L/S		--	--	10-1-20.B 10-1-21.B
	Dwelling, Duplex	L/S	L/S	L/S	L/S	L/S	--	--	10-1-20.B 10-1-21.B
	Dwelling, Townhouse	--	L/S	L/S	L/S	L/S	L/S	--	10-1-20.B 10-1-21.B



**Table 10-1-19-1,  
Use Table**

Use Category	Specific Use <sup>1</sup>	Residential			Mixed-Use		Non-residential		Standards
		LR	MR	HR	MUN	MUC	AUC	GI	
	Dwelling, Tri- or Quadraplex	--	L/S	L/S	L/S	L/S	--	--	10-1-20.B 10-1-21.B
	Family Day Home, Major (Accessory)	S	S	S	S	S	S	--	10-1-24.B.4
	Family Day Home, Minor (Accessory)	P	P	P	P	P	P	--	10-1-24.B.4
	Home Occupation (Accessory)	L	L	L	L	L	L	--	10-1-24.B.4
	Short-Term Rental (Accessory)	S	S	S	S	S	S	--	10-1-24.B.6
	Homestay (Accessory)	L	L	L	L	--	L	--	10-1-24.B.6
Group Living	Assisted Living Facility	S	P	P	P	--	S	--	10-1-21.A
	Boarding or Rooming House	--	S	S	S	S	--	--	10-1-21.C
	Dormitory (Accessory)	--	L	P	P	--	P	--	10-1-20.B
	Group Home	P	P	P	P	--	P	--	N/A
	All Other Group Living Uses	S	S	S	S	--	--	--	10-1-20.B 10-1-21.A
<b>Public and Institutional</b>									
Day Care	Minor and Major Family Day Homes	See Residential Use Category							N/A
	All Other Day Care Uses	--	--	S	P	P	P	--	10-1-21.D
Educational Facilities	College or University	--	--	P	P	P	P	--	N/A
	Training Facility or Vocational School	--	--	--	--	L	P	P	10-1-20.C.1
	Public Schools	P	P	P	P	P	P	--	N/A
	All Other Educational Facilities	--	P	P	P	--	--	--	N/A
Government Uses	All Government Uses	P/S	P/S	P/S	P/S	P/S	P/S	P/S	10-1-21.A
Medical Facilities	Hospital	--	--	P	--	--	P	--	N/A
	All Other Medical Facilities	--	--	L	P	P	P	--	10-1-20.C.2
Parks and Open Areas	Cemetery	--	--	--	--	--	--	--	10-1-21.E
	Columbarium or Mausoleum (Accessory)	L	L	L	L	L	L	S	10-1-21.A 10-1-21.F
	Golf Course	S	S	S	--	--	S	--	10-1-21.A
	All Other Parks and Open Areas	P	P	P	P	P	P	--	N/A
Passenger Terminal	Airport or Heliport	--	--	--	--	--	--	S	10-1-21.A
	All Other Passenger Terminal Uses	--	--	--	--	S	S	P	10-1-21.A
Public Assembly	Place of Worship or Religious Assembly	P	P	P	P	P	P	S	10-1-21.A
	All Other Public Assembly Uses	S	S	S	P	P	P	S	10-1-21.A
Social Service	Correctional Facility	--	--	--	--	--	--	S	10-1-21.A
	Domestic Violence, Homeless, or Youth Shelters	--	--	--	S	S	S	--	10-1-21.A
	All Other Social Service Uses	--	--	--	S	S	P	--	10-1-21.A
Utilities	Utilities, Minor	P	P	P	P	P	P	P	N/A
	Wireless Telecommunications Facilities	Refer to Table 10-1-26-1, <i>Permitted Wireless Telecommunications Facilities by District</i>							N/A
	All Other Utilities, Major	S	S	S	S	S	S	S	10-1-21.A
<b>Commercial and Office</b>									
Adult Business	All Adult Businesses	--	--	--	--	--	S	--	10-1-21.G



**Table 10-1-19-1,  
Use Table**

Use Category	Specific Use <sup>1</sup>	Residential		Mixed-Use		Non-residential		Standards	
		LR	MR	HR	MUN	MUC	AUC		GI
Entertainment, Indoor	Archery / Firearms Range (Indoor)	--	--	--	--	--	P	S	N/A
	Convention Center	--	--	--	--	S	P	--	10-1-21.A
	All Indoor Entertainment Uses	--	--	--	P	P	P	--	N/A
Entertainment, Outdoor	Farmers Market	S	S	S	L	L	L	S	10-1-21.H
	All Other Outdoor Entertainment Uses	--	--	--	--	--	S	--	10-1-20.D.1
Office	Bank or Credit Union	--	--	--	P	L	P	--	10-1-20.D.1
	Radio or Television Station or Studio	--	--	--	P	--	P	--	10-1-20.D.2
	All Other Offices	--	--	--	P	P	P	--	10-1-20.D.3
Overnight Accommodations	All Overnight Accommodations Uses	--	--	--	P	P	P	--	N/A
Parking, Commercial	Commercial Parking, Structured	--	--	P	P	P	P	P	N/A
	Commercial Parking, Surface	--	--	S	S	S	P	P	10-1-21.I
Restaurant	Restaurant, Drive-In or Drive-Through (Accessory)	--	--	--	--	P	P	S	10-1-21.J
	All Other Restaurant Uses	--	--	--	P	P	P	S	10-1-21.A
Retail Repair, Sales, and Service	Repair-Oriented Uses	--	--	--	P	P	P	--	N/A
	Sales-Oriented Uses	--	--	--	P	L	P	--	10-1-20.D.4
	Service-Oriented Uses	--	--	--	P	P	P	--	N/A
Self-Service Storage	Boat or Recreational Vehicle Outdoor Storage	--	--	--	--	--	S	P	N/A
	Mini-Warehouse	--	--	--	--	--	S	P	10-1-20.D.4
Vehicle Sales and Service	Car Wash	--	--	--	--	--	P	--	10-1-20.D.5
	Heavy Vehicular and Equipment Sales, Service, and Repair	--	--	--	--	--	S	P	10-1-21.A
	Vehicle Fuel Station	--	--	--	--	--	P	P	10-1-20.D.6
	Vehicle Service and Repair	--	--	--	--	--	L	P	10-1-20.D.6
	Vehicle Sales	--	--	--	--	--	P	P	10-1-21.K
	All Other Vehicle Sales and Service	--	--	--	--	--	P	P	N/A
<b>Industrial</b>									
Heavy Industrial	Automotive Parts Manufacturer	--	--	--	--	--	--	P	N/A
	Other Heavy Industrial Uses	--	--	--	--	--	--	S	10-1-21.A
Light Industrial	Building or Development Contractor	--	--	--	--	--	L	P	10-1-20.E.1
	Micro-Manufacturing	--	--	--	L	L	P	P	10-1-20.E.2
	Research and Development Laboratory	--	--	--	--	L	L	P	10-1-20.E.3
	All Other Light Industrial Uses	--	--	--	--	S	S	P	10-1-21.A
Warehousing and Freight Movement	All Warehousing and Freight Movement Uses	--	--	--	--	--	S	P	10-1-21.L
Waste-Related Service	All Other Waste-Related Service Uses	--	--	--	--	--	--	S	10-1-21.A
Wholesale Trade	All Wholesale Trade	--	--	--	--	--	S	P	10-1-21.A

**TABLE NOTES:**

<sup>1</sup>Specific uses and use categories are defined in Section 10-3-26, *Definitions*.



## Sec. 10-1-20, Limited Use Standards

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### 10-1-21.A Agriculture and Animal Services

The standards in this Section apply to agricultural uses that are Permitted with Limitations in Table 10-1-19-1, *Use Table*.

#### 1. **Beekeeping or Apiary.**

- a. *Principal and Accessory Uses.* The standards of this Subsection apply to beekeeping as a principal or accessory use.
- b. *Hives.* All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.
- c. *Setback.* All hives shall be located at least 10 feet from any adjoining property with the back of the hive facing the nearest adjoining property.
- d. *Fencing of Flyways.* Where a colony is situated within 25 feet of a property line on which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet (6') above ground level over the property lines in the vicinity of the apiary.
- e. *Water.* The beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, pet water bowls, birdbaths, or other water sources where they may cause human or pet contact. The water shall be maintained so as not to become stagnant.
- f. *Maintenance.* The beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left on the grounds of the apiary.
- g. *Colony Densities.* It shall be unlawful to keep any colony on a multiple-family or mixed-use lot, except for on the rooftop, or to keep more than the following number of colonies on any tract within the City, based upon the size or configuration of the tract on which the apiary is situated:
  - i. Less than one-half acre lot size: One colony;
  - ii. One-half acre or more but less than one acre lot size: Two colonies;
  - iii. One acre or larger lot size: Four colonies; and
  - iv. Regardless of lot size, where all hives are situated at least 200 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.
- h. *Prohibited.* Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed by the City Manager.

#### 2. **Community Garden or Food Forest.**

- a. *Retail Sales.* No sale of items grown or any other items may take place on-site.
- b. *Storage.* Storage of equipment and materials shall be inside a structure or screened.
- c. *Composting.* Compost storage, if utilized, shall be located a minimum of 30 feet from the front property line and 10 feet from the side and rear lot lines. Compost storage shall be used only to support onsite operations.
- d. *Accessory Uses and Structures.* Minor greenhouses or equipment sheds, raised planting beds, and compost storage/waste bins shall be permitted as accessory uses or structures related to on-site operations. The combined area of all structures shall not exceed 20 percent of the site area.

#### 3. **Kenel.** Except for in the GI district, outdoor runs are prohibited.



#### 4. **Plant Nursery, Greenhouse, and Landscaping Business.**

- a. *Display Areas.* Outdoor storage areas shall be enclosed with a fence or wall that is in compliance with Sec. 10-1-24, *Accessory Uses and Structures*.
- b. *Bulk Sales.* Unbagged/bulk sales of mulch, sand, pebbles, rock, or other non-vegetative ground covers shall not be stored or sold on-site.

#### 5. **All Other Agriculture Uses.**

- a. *Minimum Lot Area.* All such uses shall be located on lots with a minimum area of five acres.
- b. *Setbacks.* Structures used for permitted agricultural uses shall be setback from any residential property line a minimum of 100 feet.
- c. *Bufferyard.* The use shall be separated from a residential use by a Type B bufferyard, in accordance with Sec. 10-1-50, *Bufferyards*.

### 10-1-21.B Residential

The standards in this Section apply to residential uses that are Permitted with Limitations in Table 10-1-19-1, *Use Table*.

1. **Side Yard Open Space.** Where two or more structures containing dwellings are located on a single parcel, the open space between each structure as measured at the closest point between building walls shall be not less than 14-feet for 1- and 2-story structures and shall be not less than 20-feet for 3-story or taller structures.
2. **Occupancy.** A dwelling unit in the LR, MR, HR, MUN, MUC, and AUC districts may be occupied by not more than one of the following:
  - a. One family, which may consist of one person or two or more persons related by blood or marriage with any number of natural children, foster children, stepchildren, or adopted children and with not to exceed two roomers or boarders unrelated to the family;
  - b. Two single parents or guardians with any number of their dependent children including natural children, foster children, stepchildren, or adopted children functioning as a single housekeeping unit;
  - c. A group of not more than three persons not necessarily related by blood or marriage;
  - d. A group home as defined in Sec. 10-3-26, *Definitions*;
  - e. Any boarding or rooming house in accordance with the provisions of Sec. 10-1-21.C, *Boarding or Rooming House*; or
  - f. A group of persons required by law to be treated as a single housekeeping unit, in accordance with the federal Fair Housing Act, or similar state law.
- c. An apartment unit that is part of a mixed use building may be located on any floor of the building. Apartments above the first floor shall be exempt from the maximum density requirements of the district but shall have a minimum floor area of 500 square feet.

### 10-1-21.C Public and Institutional

The standards in this Section apply to public and institutional uses that are Permitted with Limitations in Table 10-1-19-1, *Use Table*.

1. **Training Facility or Vocational School.** All activities shall take place completely within an enclosed within a permitted structure.
2. **All Other Medical Facilities.**
  - a. *Floor Area.* The maximum floor area shall be 2,000 square feet.





- b. *Signs.* One attached sign, a maximum of four square feet in area is permitted.
- c. *Exterior Design.*
  - i. In the MR and HR districts, the building shall remain or shall be constructed so that the exterior design and ornamentation displays a minimum of two of the following residential design elements:
    - A. The roof pitch shall be 3:12 or steeper;
    - B. The structure shall have a covered, but not enclosed, front porch a minimum of 10 feet wide by six feet deep;
    - C. A maximum of two off-street parking spaces are allowed between the primary structure and the public right-of-way with the remainder of off-street parking spaces, whether required or overflow, being located between the primary structure and the rear property line;
  - ii. *Number of Employees.* A maximum of three employees on a shift, including the medical professional, shall be permitted.

### 10-1-21.D Commercial and Office

The standards in this Section apply to commercial and office uses that are Permitted with Limitations in Table 10-1-19-1, *Use Table*.

1. **Outdoor Entertainment.** The use shall be separated from a residential use by a Type B bufferyard, in accordance with Sec. 10-1-50, *Bufferyards*.
2. **Radio or Television Station or Studio.** All antennas, satellite dishes, and associated equipment shall be screened in accordance with Sec. 10-1-24, *Accessory Uses and Structures*.
3. **Retail Repair, Sales, and Service, and All Other Offices.**
  - a. *Specific Uses.* In the MUC district, the sale of pets and pet supplies shall be permitted, with the exception that the sale of dogs shall be prohibited.
  - b. *Floor Area.* The maximum floor area shall be 7,500 square feet.
  - c. *Signs.* One attached sign, a maximum of four square feet in area is permitted.
  - d. *Exterior Design.*
    - i. In the LR, MR, and HR districts, the building shall remain or shall be constructed so that the exterior design and ornamentation displays a minimum of two of the following residential design elements:
      - A. The roof pitch shall be 3:12 or steeper;
      - B. The structure shall have a covered, but not enclosed, front porch a minimum of 10 feet wide by six feet deep;
      - C. A maximum of two off-street parking spaces are allowed between the primary structure and the public right-of-way with the remainder of off-street parking spaces, whether required or overflow, being located between the primary structure and the rear property line;
    - ii. There shall be no evidence from the street that the use is anything other than a residential structure (except for the permitted sign and any other improvements required by other City regulations).
  - e. *Drive-In or Drive-Through Facilities.*
    - i. A drive-in or drive-through facility is only permitted in the AUC district.



- ii. The drive-in or drive-through shall be separated from a residential use by a Type B bufferyard, in accordance with Sec. 10-1-50, *Bufferyards*, or by the building itself.
  - iii. Drive-in or drive-through facilities may be located only in side or rear yards.
  - iv. Loudspeakers shall not be located within 50 feet of any property that includes a residential use.
4. **Mini-Warehouse.** All storage units shall be accessible from and contained wholly within the building.
  5. **Car Wash.** Only conveyor-style or drive-through car washes are permitted with all mechanical and washing equipment, excluding self-service vacuum units, enclosed within a building.
  6. **Vehicle Service and Repair or Fuel Station.** All activities shall take place completely within an enclosed permitted structure.

### 10-1-21.E Industrial

The standards in this Section apply to industrial uses that are Permitted with Limitations in Table 10-1-19-1, *Use Table*.

1. **Building or Development Contractor.**
  - a. *Screening.* Outdoor storage shall be fully screened from adjacent nonindustrial uses.
  - b. *Bufferyard.* The use shall be separated from a nonindustrial use by a Type C bufferyard, in accordance with Sec. 10-1-50, *Bufferyards*.
2. **Micro-Manufacturing.**
  - a. *Gross Floor Area.* The maximum gross floor area of a micro-manufacturing facility shall not exceed 2,000 square feet.
  - b. *Outdoor Storage.* No outdoor storage is permitted.
3. **Research and Development Laboratory.**
  1. *Nuisances.* The use shall not cause smoke, dust, odor, noise, or vibration that is noticeable outside of the building.
  2. *Explosion.* The use shall not involve the storage of explosives or other hazardous materials.
  3. *Indoor Assembly.* A maximum of 15 percent of the gross floor area of the building may be devoted to the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises and shall take place indoors.

### Sec. 10-1-21, Special Exception Permit Standards

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The standards in this Section apply to uses that require a Special Exception Permit in Table 10-1-19-1, *Use Table*.

- A. **Generally.**
  1. *Review Criteria.* In determining whether to approve, approve with conditions, or deny a Special Exception request, the Planning Commission and City Council shall consider the following general standards in addition to specific standards listed for each special exception:
    - a. *Surrounding Properties.* The proposed special exception will operate or be designed in a manner that does not disrupt existing patterns of use and development nor does it diminish the use, enjoyment, functionality or appropriate development of surrounding properties;
    - b. *Hours of Operation and Site Improvements.* Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and/or other site improvements ;



- c. *Public Services.* Adequate public services (such as: streets, parking, pedestrian facilities, water, sewer, gas, electricity, drainage facilities, police and fire protection) shall be available without the reduction of services to any existing, adjacent uses;
- d. *Nuisance.* If, in the opinion of Planning Commission or City Council, the special exception becomes a nuisance, the Special Exception Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
- e. *Design Features.* The proposed use will incorporate design features to sufficiently protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing, and building placement;
- f. *Compatibility.* The proposed use will be compatible with adjacent existing uses and/or planned future uses. Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, and other undesirable conditions; and
- g. *Zoning and Land Use.* The proposed use shall be consistent with the purposes of the zoning district in which it is proposed and will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

2. *Special Conditions.*

- a. In granting any Special Exception Permit, the City Council may impose such conditions as it believes necessary to accomplish the objectives and to assure that the proposed use will conform to the requirements of this Ordinance. Such conditions may include, but need not be limited to:
  - i. Additional open space, landscaping, bufferyard, or screening requirements;
  - ii. Additional or modified setback requirements;
  - iii. Special lighting requirements;
  - iv. Time limitations on hours of operation;
  - v. Additional or modified off-street parking and loading requirements;
  - vi. Additional utility, drainage and public facility requirements;
  - vii. Additional right-of-way and public access requirements;
  - viii. Additional requirements to ensure compatibility with the [Comprehensive Plan](#); or
  - ix. Conditions for renewal, extension, expiration, and/or revocation of the Special Exception Permit.
- b. Unless otherwise specified in this Section or by City Council as a condition of approval, the height limits, setback requirements, lot area, and other requirements shall be the same as for other uses in the district in which the proposed special exception is to be located.
- c. The City Council may specify time limits or expiration dates for a Special Exception Permit, including provisions for periodic review and renewal.

**B. Single-Family Detached, Single-Family Attached, Duplex, Tri- or Quadplexes, and Townhomes.** Reduced required side and rear yard setbacks or required distance between structures to zero feet where such buildings are single-family detached, single-family attached, duplex, tri- or quadplexes, or townhomes when either:

1. National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings in accordance with the Virginia Residential Code; or



2. Exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum one-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

**C. Boarding or Rooming House.**

1. *Maximum Occupancy.* Boarding or rooming houses shall have a maximum occupancy of one person per designated bedroom unless otherwise specified within the Special Exception approval.
2. *Inspection.* The responsible party shall schedule a yearly inspection that shall be conducted between October 1st and October 31st to ensure compliance with the current VMC and other applicable regulations. Should the property not comply with the VMC or other regulations, a specified time shall be given to make corrections. If the corrections are not made within the allotted time, or if the responsible party fails to have the property inspected by October 31st, the Special Exception Permit shall automatically expire and become null and void and the responsible party shall cease operation of the boarding or rooming house.

**D. All Other Day Care Uses.**

1. *Street Access.* In the HR zoning districts, the facility shall be located on and have access to a collector or arterial street.
2. *Outdoor Activities.* Outdoor activities and activity areas, including play lots, shall be:
  - a. Located a minimum of 25 feet from any residentially used lot line or separated by a Type A bufferyard, in accordance with Sec. 10-1-50, *Bufferyards*; and

**E. Cemetery.** Nothing in this Subsection shall be construed to make an existing cemetery a nonconforming use with respect to the requirements of this Ordinance. However, new cemeteries are prohibited and existing cemeteries cannot expand in land area without Special Exception approval.

**F. Columbarium or Mausoleum.**

1. *Location.* A columbarium or mausoleum shall be located inside on the same site owned and occupied by a place of worship or religious assembly.
2. *Bufferyard.* An outdoor columbarium or mausoleum structure shall be separated from a residential use by a Type A bufferyard, in accordance with Sec. 10-1-50, *Bufferyard*.

**G. Adult Business.** In reviewing the application, the Planning Commission and City Council may consider the following factors as well as other appropriate land use considerations:

1. *Separation.* No adult business shall be located within 1,000 feet of a public assembly use, educational facility, park or open area, or residential area as measured radially from the property lines of the adult business;
2. *Development.* The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;
3. *Landmarks and Trees.* The preservation of cultural and historical landmarks and trees;
4. *Nuisances.* The probable effect of noise, vibrations, and glare upon the uses of surrounding properties;
5. *Property Values.* The conservation of property values;
6. *Deterioration.* The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and
7. *Alcohol.* The probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and any negative secondary effects on surrounding properties and the neighborhood.

**H. Farmers Market.** The use shall be separated from residentially used property by a Type A bufferyard, in accordance with Sec. 10-1-50, *Bufferyards*; and

**I. Commercial Parking.**



1. *Generally.* The use shall comply with applicable requirements of [Article E, Parking, Loading, and Stacking](#).
2. *Surface Parking.* The use shall be separated from a residential use by a Type B bufferyard, in accordance with [Sec. 10-1-50, Bufferyards](#).

**J. Restaurant, Drive-In or Drive-Through.**

1. *Bufferyard.* The drive-in or drive-through shall be separated from a residential use by a Type B bufferyard, in accordance with [Sec. 10-1-50, Bufferyards](#), or by the building itself.
2. *Location.* Drive-in or drive-through facilities shall only be located on a side of the building that does not face a residential use, other than the front facade. If there is no residential use on abutting lots, then the facility shall be located at the side or rear wall of the building.
3. *Noise.* Loudspeakers, public address systems, and menu boards shall not be located within 50 feet of any property that includes a residential use.

- K. Warehousing and Freight Movement.** All buildings shall have a combined maximum floor area of 20,000 square feet.

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## **Sec. 10-1-22, Floodplain Overlay District (Module 2)**

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## **Sec. 10-1-23 Institutional Overlay District (Module 2)**

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## **Sec. 10-1-24, Accessory Uses and Structures**

### **10-1-24.A General Provisions**

1. **Applicability.** The standards of this Section apply when:
  - a. *New Use or Structure.* An accessory use or structure is established or constructed;
  - b. *Use Expansion.* There is an expansion of an accessory use to or within an existing building or in an outdoor area devoted to the use.
2. **Associated Principal Uses.** The use category definitions in [Sec. 10-3-26, Definitions](#), show which accessory uses are permitted in conjunction with a principal use. This Section may modify this allowance to specify which zoning districts permit certain specific accessory uses.
3. **Multiple Uses.** Where the Zoning Administrator determines that two or more uses on a property have similar or complementary characteristics based on the list in [Sec. 10-1-27, New and Unlisted Uses](#), then the Zoning Administrator may deem all such uses principal uses, which are subject to the requirements of this Ordinance, including, but not limited to, requirements for the property owner to obtain a Special Exception Permit where [Table 10-1-19-1, Use Table](#), requires such approval.
4. **General Standards.** The following standards apply to all accessory uses and structures unless modified by other specific standards of this Section.
  - a. *Principal Structure Required.* No accessory structure may be erected, established, or reused unless the principal structure also is being used.
  - b. *Subordination.* The accessory use or structure shall be subordinate to and serve a principal use or structure.
  - c. *Commercial Use.* Accessory structures located on residentially zoned or used property shall not be used for commercial purposes other than home occupations that comply with this Section.
  - d. *Same Property.* An accessory use or structure shall be located on the same parcel or lot as the principal use or structure, or on an adjoining parcel or lot in the same ownership as the principal use or structure.



- e. *Easements and Fire Lanes.* Accessory structures shall not encroach into a recorded easement or required fire lane.
- f. *Fence Orientation.* The finished side of all fences shall face outward toward neighboring property or adjacent rights-of-way. Posts and supports shall face inward toward the subject property.
- g. *Exemptions.* Bus shelters are exempt from all regulations within this Section.
- h. *Responsibility of Owners to Confirm Covenants.* It is the responsibility of the property owner to confirm if any covenants exist on their property which regulate accessory structures.
- i. *Portable Restroom Facilities.*
  - 1. *Residential Districts.* Portable restroom facilities are not permitted as accessory to residential uses. Portable restroom facilities accessory to nonresidential uses in residential districts must be setback at least 30 feet from all property lines, and shall be fully screened from view from the public street right-of-way.
  - 2. *Nonresidential and Mixed Use Districts.* Portable restroom facilities in nonresidential and mixed use districts shall be held to the same setbacks required of principal buildings, except that portable restroom facilities in the MUC and MUN districts shall be located at least 30 feet from public street right-of-way lines and 30 feet from all side and rear property lines when such lines abut residentially zoned property. Portable restroom facilities in all districts shall be fully screened.
  - 3. *Temporary Uses.* Portable restroom facilities used for temporary uses are exempt from all regulations within this Section.

## 5. Fences and Walls.

- a. *Prohibited Fence Types.* Razor or electric wire shall be prohibited.
- b. *Height and Openness.*
  - 1. No walls or fences within front, side, or rear setbacks shall exceed a height of eight feet.
  - 2. On corner lots, a fence or wall with greater than 50 percent opacity may only encroach the front setback or side street setback if it is a maximum of four feet in height.
  - 3. Fences or walls built parallel to and outside of the street side setback may have a maximum height of eight feet and have no opacity requirement.
- c. *Setbacks.* Fences and walls are permitted in any required setbacks, subject to the height limits in Paragraph c, *Height and Openness*, above, and subject to the sight distance requirements established in [Chapter 3](#) of the City's Design and Construction Standards Manual.

## 6. Solar Panel Array.

- a. *Commercial Power.* Solar panels approved pursuant to this Subsection may not generate power as a commercial enterprise and the power generated shall only be used on-site.
- b. *Special Exception Permit.* A solar panel array that cannot meet these placement standards of this Subsection requires a Special Exception Permit in accordance with Sec. [10-1-84](#), *Special Exception Permit*.
- c. *Roof-Mounted.*
  - 1. Roof-mounted solar panels are permitted by right on principal and accessory buildings.
  - 2. A roof-mounted array on a pitched roof may not extend more than 12 inches above the roof surface if the roof is visible from the public right-of-way or from a residential property, nor may it extend more than 12 inches beyond any edge of the roof.
  - 3. Where an array is placed atop a flat roof, it may not extend more than five feet above the roof and shall be screened from the public right-of-way with the building's façade parapet or similar mechanism.





- d. *Ground-Mounted.* Ground-mounted solar panels shall:
  1. Not encroach into a setback or easement and be screened from adjacent residential property and all public rights-of-way with Type A bufferyard;
  2. Be set back from lot lines as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade; and
  3. Be limited in area to 850 square feet.

## 10-1-24.B Residential Uses

### 1. Generally.

- a. This Subsection applies to accessory uses associated with residential principal uses.
- b. Residential accessory buildings may be built in a rear setback, but such accessory buildings shall not occupy more than 30 percent of the required rear setback, shall be located to the rear of the back wall of the principal building, and shall be a minimum of five feet from any interior side or rear lot line. Detached garages are excluded from these requirements. Refer to Paragraph 2, *Detached Garages in Rear Yard*, below.

### 2. Detached Garages in Rear Yard.

Detached garages associated with a single-family, duplex, or townhouse dwelling with access from a street, alley, or rear entry easement in the rear of the property shall be designed such that each garage shall be separated by a minimum of 15 feet from the principal structure. The minimum setbacks shall be:

- a. From the alley or rear entry easement: five feet; and
- b. From interior side lot lines for a single-family or duplex dwelling: five feet; and
- c. From interior side lot lines for a townhouse: zero feet.

### 4. Home Occupations.

- a. *Generally.* The following standards apply to all home occupations, except as modified by standards for specific home occupations. The home occupation shall:
  1. All activities associated with the home occupation shall occur within the principal residence or a permitted accessory building.
  2. Not have any exterior indication that the home occupation is taking place other than a sign as permitted under the allowances in Article G, *Signs*;
  3. Have no outside employees who do not live on-site, except that a Special Exception Permit in accordance with Sec. 10-1-84, *Special Exception Permit*, may allow one outside employee for any home occupation;
  4. Receive a Home Occupation Permit in accordance with Sec. 10-1-77, *Home Occupation Permit*, prior to commencement and an annual business license as required by Title 12, Chapter 1, *Business, Professional, and Occupational Licenses*, of the Harrisonburg City Code;
  5. A home occupation that serves clients:
    - A. Shall serve a maximum of 10 client units per week and a maximum of one client unit at any one time;
    - B. A client unit is a group of individuals being served together and shall not exceed five people; and
    - C. Areas where clients are visiting shall not occupy more than 10 percent of the gross floor area of the principal residence or the accessory structure.
  6. Home Food Processing Operations regulated by the Virginia Department of Agricultural Services are exempt from Subparagraph 5.A. and B.
  7. Not involve the storage or sale of explosives or other hazardous materials;
  8. Not involve direct retail sales on-site where the buyer and seller are both physically present together; and
  9. Not require equipment or processes that would create a nuisance to neighboring properties.



b. *Business Garden.*

1. *Abandonment.* Business gardens that have ceased permanent operation or been abandoned shall be cleared, all structures removed, and the area re-vegetated no more than 30 days after the date of discontinued operations unless otherwise specified by the Zoning Administrator, not to exceed 90 days.
2. *Setbacks.* All areas used for business gardens shall maintain at least a five-foot separation from all property lines unless such areas are enclosed with a wall or fence of at least three feet in height.
3. *Accessory Structures.* Cultivation in accessory structures such as hoophouses, green houses, cold frames, etc., and areas used for exterior activities such as storage, compost and disposal areas shall be included in the allowable area. Activities on or within principal buildings including covered and uncovered porches and decks, enclosed accessory storage structures, upon rooftops, and vertical growth areas are exclusive of the allowable area.
4. *Land Area.* Land used for business gardens shall be no larger than 50 percent of the area of the parcel involved including areas of multiple, adjacent parcels under the same ownership.
5. *Compost.* Compost shall be used only to support onsite operations.
6. *Healthy Condition.* Areas shall be maintained in a healthy growing condition, free of refuse, debris, overgrown weeds, and dead or spent plant materials. Use shall not create washing of sediments onto adjacent properties during rainfall events. Such areas are subject to [Section 16-6-58](#), Weeds, Etc. on Lots, of the City Code.
7. *Transactions.* All transactions shall occur off-site.

5. **Day Care.**

1. *Minor Family Day Home.* A minor family day home is permitted by right in any dwelling unit.
  2. *Major Family Day Home.* A major family day home is permitted in any dwelling subject to a Special Exception Permit in accordance with [Sec. 10-1-83](#), *Special Exception Permit*.
  3. *Home for the Aged.* A home for the aged is permitted by right in any dwelling unit in which three persons not of the immediate family are provided with food, shelter, and care 24 hours a day for compensation.
  4. *Special Allowances.* Notwithstanding the restrictions in Subsection [10-1-24.A](#), *General Provisions*, day cares may have play areas and other activities outside of the principal building or accessory building, may permit more than one customer vehicle at a time without appointments, and individuals not domiciled at the dwelling may report to and work from the property.
6. **Chickens, Keeping of.** Keeping of chickens is allowed in accordance with [Section 15-2-24](#), *Fowls, Chickens, and Other Domestic Birds*, of the City Code.
7. **Short-Term Rental or Homestay.**
- a. *Permitted Districts.*
    - i. A short term rental is allowed with a Special Exception Permit, in accordance with [Sec. 10-1-83](#), *Special Exception Permit*, and subject to the requirements of this Section
    - ii. A homestay is permitted by right subject to the requirements of this Section.
  - b. *Registration.*
    - i. Prior to operation, the operator of any homestay or short-term rental shall register the property with the Director of Community Development, unless exempt from registration pursuant to [Section 15.2-983\(B\)\(2\)](#), *Creation of Registry for Short-Term Rental of Property*, of the Code of Virginia. Registration shall be valid from the date the registration occurs through December 31st and shall be renewed annually by March 1st.



- ii. Each registration shall be specific to the operator and property and is non-transferable.
- c. *Primary Residence.* Operators shall maintain the property as their primary residence, as indicated on a state issued license or identification card.
- d. *Presence of Operator.* Operators who are not the property owner shall be present during the lodging period.
- e. *Tenure.* Each lodging contract shall be limited to a period of fewer than 30 consecutive nights.
- f. *Food.* Any food service offered shall be limited to guests.
- g. *Events.* A short-term rental shall not be marketed and used for weddings, receptions, or events, unless approved, and as may be conditioned during the Special Exception Permit process. A homestay shall not be marketed or used for weddings, receptions, or other events.
- h. *Lodging Contracts and Guests.* A short-term rental shall have no limit on the total number of lodging contracts in a calendar year or guests at a given time unless modified during the Special Exception Permit approval process. A homestay shall be limited in lodging contracts to 90 nights per calendar year and to four guests at any given time.

**8. Outdoor Swimming Pool.**

- 1. *Applicability.* This Subsection applies to outdoor residential swimming pools intended for use by the owner or tenant and guests.
- 2. *Location.* Outdoor swimming pools shall be located to the side or rear of the principal structure and shall have the same required setbacks as a detached accessory structure, as established in Subsection 10-1-24.A.4, *General Standards*, as measured from the exterior pool fence or wall.

- 9. **Beekeeping or Apiary.** Beekeeping or apiaries shall be permitted in the LR and MR districts as an accessory use to a single-family detached dwelling. Refer to Sec. 10-1-21.A, *Agriculture*, for standards.

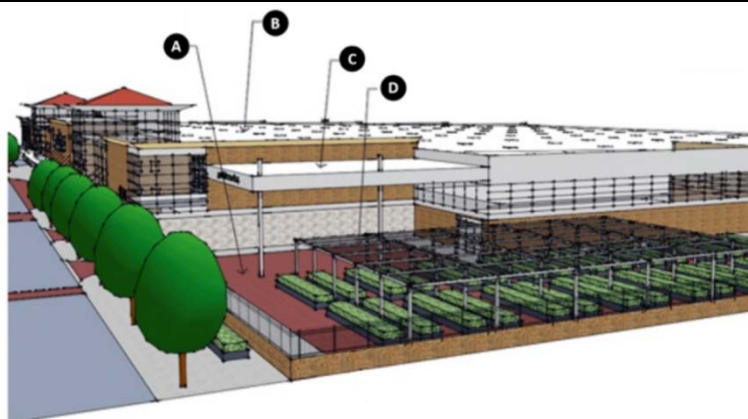
**10-1-24.C Nonresidential and Mixed Uses**

- 1. **Setback.** Accessory buildings associated with nonresidential and mixed uses shall be held to the same setbacks required of principal buildings.
- 2. **Refuse, Dumpster, and Recycling Collection Storage.**
  - a. *Generally.* Community recycling bins, and dumpster bins, referred to in this Subsection as refuse facilities, may be provided for permitted townhomes, apartments, nonresidential uses, and mixed-uses for solid waste or other appropriate collection services. Refuse facilities are subject to the following.
  - b. *Location and Enclosure.*
    - i. Refuse facilities shall be screened. Screening may be achieved by designating an enclosed space within a principal structure, within an accessory structure, or by fences, decorative walls, or other physical solid enclosures and a self-closing gate made of decay-resistant material. The enclosure shall extend at least one foot above the container top.
    - ii. The placement of refuse facilities shall meet the following requirements:
      - A. For townhouses and apartments, refuse facilities shall not be located within the existing setback between a principal building and public street; except on through lots where an accessory building may be located within the established rear yard between the principal building and a public street and meet principal building setbacks.
      - B. For nonresidential and mixed use developments, refuse facilities shall be located in a side or rear of the parcel, except that parcels with more than one public street frontage may locate refuse facilities in a front yard and shall be held to the same setbacks required of principal buildings.



- C. Openings into enclosures shall be positioned so that view of the containers from residentially zoned or used properties and from the street right-of-way is eliminated;
  - D. Facilities shall be located in such a manner that they can be serviced by a collection or refuse hauling vehicle without such vehicle encroaching on or interfering with the public right-of-way, and without such vehicle backing out of the property onto the public right-of-way; and
  - E. Refuse facilities and vehicle access drives shall be placed on a paved surface of either concrete or asphalt.
- c. *Designated Point of Collection.* Where private refuse facilities are utilized, the development shall provide a designated point of collection for dumpsters, trash cans, or other containers with appropriate dumpster and refuse storage areas. Such areas shall be screened in accordance with this Subsection and shall meet setback requirements for accessory structures in accordance with Subsection 1, *Setbacks*, above.
3. **Outdoor Display.** Permanent or seasonal outdoor display of merchandise is permitted subject to the following:
- a. *Districts.* Outdoor display is permitted on private property in the AUC, MUC, MUN, and GI zoning districts.
  - b. *Eligible Items.* The outdoor display area shall only contain items for sale by a business that is located within a permanent structure or a designated area on the same site.
  - c. *Attached to Principal Building.* An outdoor display area shall have the following characteristics (see Figure 10-1-24.C, *Attached Outdoor Display Area*):
    - i. Not located in areas that are required for parking, loading, vehicular circulation, or within the public right-of-way or sight distance triangle as established in [Chapter 3 of the DCSM](#).
    - ii. Not larger than 15 percent of the gross floor area of the principal building;
    - iii. Within the buildable area of the site formed by the required setbacks; and
    - iv. If permanently covered, the display area shall be covered with a roof structure that is architecturally integrated into the primary building, except that areas selling plants may be covered by greenhouse roofing, screening, or another cover material that is appropriate for protecting plant stock.

**Figure 10-1-24.C**  
**Attached Outdoor Display Area**



**Figure Notes:** A = Area limited to 15% of principal building | B = Principal building | C = Architecturally integrated roof | D = Roof appropriate for protection of plant stock

3. **Outdoor Storage.** Outdoor storage is permitted subject to the following:
- a. *Districts.* Outdoor storage is permitted in the AUC and GI zoning districts.



- b. *Surfacing and Drainage.*
  - i. In the GI district, access aisles and maneuvering areas of outdoor storage areas may be composed of gravel.
  - ii. In the AUC district, access aisles and maneuvering areas of outdoor storage areas shall be composed of an all-weather surface.
- c. *Placement.* An outdoor storage facility shall be located to the rear or side of the primary structure and away from the public right-of-way and adjacent residentially used property.
- d. *Maneuvering of Inventory.* The site shall be of adequate size, shape, and design to ensure:
  - i. Inventory will be maneuvered without conflicting with vehicular use areas;
  - ii. All on-site maneuvering shall occur without encroaching onto adjacent properties or rights-of-way;
  - iii. No inventory shall be backed onto the site from the public right-of-way; and
  - iv. All maneuvering of inventory will be contained on site.
- e. *Buffering and Screening.* Outdoor storage areas shall be screened from the public right-of-way and from adjacent properties with a Type B bufferyard as established in Section 10-1-50, *Bufferyards*, together with a fence or wall that is a minimum of six feet and a maximum of eight feet in height.
- f. *Exemption.* The following are not considered outdoor storage and are therefore exempt from the outdoor storage requirements of this Subsection:
  - i. Retail planting stock and landscape stone or similar landscape materials, associated with a nursery or greenhouse;
  - ii. Commercial vehicles related to a permitted business on-site; and
  - iii. Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes, and other similar vehicles or equipment sold by a permitted use on-site.

## Sec. 10-1-25, Temporary Uses and Structures

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- A. **Applicability.** A Temporary Use Permit shall be required, as established in Sec. 10-1-79, *Temporary Use Permit*, to establish a temporary use and is subject to administrative approval depending on the conformance of the application with the requirements of this Section.
- B. **Exemptions.** The following activities shall not require a Temporary Use Permit but shall comply with the applicable standards of this Section:
  - 1. *Outdoor Entertainment.* Individual events in permitted athletic stadiums, amphitheaters, and City-owned parks;
  - 2. *Farmer's Markets or Fairs.* City-sponsored farmers market, fairs, or other special events held within the public rights-of-way or on City-owned property; and
  - 3. *Portable Storage Units on Residentially Zoned Property.* Portable storage units placed on residentially-zoned property.
- C. **General Standards.** The following standards shall apply to temporary uses and structures.
  - 1. *Duration.* Unless otherwise provided for a specific temporary use, the maximum duration of a temporary use or structure is for 30 days at one location, renewable up to 2 additional times per calendar year, for a total period of 90 days per calendar year at the same location.
  - 2. *More than Two Renewals.* A Special Exception Permit in accordance with Sec. 10-1-84, *Special Exception Permit*, shall be required if an applicant wishes to renew a Temporary Use Permit for the same or similar



structure on the same property more than what is allowed in Table 10-1-25-1, *Permitted Temporary Uses, Frequencies, and Duration*.

3. *Location and Site Requirements*. Unless otherwise provided for a specific temporary use, such uses shall:
  - a. *Area*. Be conducted in areas designated by an approved Temporary Use Permit;
  - b. *Setbacks*. The setbacks for the principal use shall apply to the temporary uses.
4. *Public Convenience and Litter Control*.
  - a. Solid waste facilities shall be required on-site and the Zoning Administrator may require adequate public restroom facilities.
  - b. After the temporary use is finished, the site shall be returned to its condition prior to the temporary use being established, including, but not limited to, removal of all litter and any other facilities related to the use, at no expense to the City.
5. *Sales Tax or Tax Exemption*. The applicant shall have a valid sales tax certificate or proof of tax exemption.
6. *Code Violations*. If the operator of a temporary use is issued a notice of any City Code violation at the location assigned for the permit, then the operator is not eligible to renew the permit at that location for a period of one year.
7. *Utilities*. Temporary uses shall provide, to the satisfaction of the Director of Public Utilities, sufficient potable water and adequate sewage disposal, when applicable.
8. *Outdoor Lighting*. All light sources must be directed inward to the site and downward and away from adjacent properties. Refer to Article H, *Outdoor Lighting*.
9. *Access and Parking*.
  - a. The street from which access is taken shall have the capacity to serve the event, according to the City Engineer, including ingress and egress to the site.
  - b. Safe on-site vehicular and pedestrian circulation shall be provided, including:
    - i. Minimizing vehicular-pedestrian conflicts;
    - ii. Ensuring efficient and adequate access by emergency vehicles; and
    - iii. Maintaining full emergency and non-emergency access to permanent uses and structures on-site.
10. *Public Right-of-Way Access*. Activities in the public right-of-way shall have received approval from the Department of Public Works.

#### **D. Specific Temporary Uses.**

1. *Generally*. Table 10-1-25-1, *Permitted Temporary Uses, Frequencies, and Duration*, shows which temporary uses are permitted in which zoning districts and provides maximum frequency and duration of an allowed temporary use.
2. *Symbols*. The symbols in Table 10-1-25-1, above, shall have the following meanings:
  - a. "TUPN" means "Temporary Use Permit Not Required" however the standards of this Section apply. .
  - b. "TUPR" means "Temporary Use Permit Required" subject to the applicable standards of this Section and approval of a Temporary Use Permit by the Zoning Administrator.
  - c. "--" means that the use is prohibited in the specified zoning district.
  - d. "Number / Number" in the Duration column means the maximum number of days permitted per event and the maximum number of events permitted on a single site in a calendar year.





**Table 10-1-25-1  
Permitted Temporary Uses, Frequencies, and Duration**

Temporary Use	Specific Standards <sup>1</sup>	Duration	Zoning Districts				
			Residential	Mixed-Use	Nonresidential		
						AUC	GI
Mobile food unit	(E)(1)	1 / 365	--	TUPN		TUPN	TUPN
Outdoor circus, carnival, or exhibition	(E)(2)	14 / 1	--	--	--	TUPR	TUPR
Portable storage unit	(E)(3)	N/A	TUPN	--		TUPR	TUPR
Temporary construction or field sales office	(E)(4)	N/A	TUPR	TUPR		TUPR	TUPR
Temporary vendor	(E)(5)	4 / 8	--	TUPN	--	TUPR	--
All Other Temporary Use	N/A	30 / 3	--	--	--	TUPR	TUPR

**Notes:**

1. Specific Standard references refer to the standards below within this subsection.  
 TUPN = Temporary Use Permit Not Required | TUPR = Temporary Use Permit Required | -- = Prohibited | "Number / Number" = Maximum number of days permitted per event / Maximum number of events permitted on a single site in a calendar year

**E. Specific Temporary Use Standards.**

1. *Mobile Food Unit.* The unit shall not be located in any required setback, sight distance triangle, or bufferyard.
2. *Outdoor Circus, Carnival, or Exhibition.*
  - a. The minimum site area for this use is as follows:
    - i. If the expected peak attendance is more than 500 people, the minimum site area shall be 10 acres; and
    - ii. If the expected peak attendance is less than 500 people, the minimum site area shall be three acres.
  - b. All events and structures shall be set back a minimum of 30 feet from nonresidential districts and uses and 75 feet from residential or mixed-use districts and uses;
  - c. Temporary structures shall comply with the height restrictions of the district in which the structure is proposed to be located; and
  - d. Temporary structures (e.g., carnival rides and inflatables) that are taller than the height allowed by the district in which it is proposed to be located are allowed, provided they are set back from all property lines a distance of two feet for every one foot in structure or inflatable height.
3. *Portable-Storage Unit.*
  - a. The unit shall be on the same property as the use requiring the service of the unit or container;
  - b. The unit shall not encroach into setbacks or sidewalks; and
  - c. The use shall be removed upon project completion.
4. *Temporary Construction or Field Sales Office.*
  - a. The structure shall only be located on the lot or parcel proposed for development, and shall be set back a minimum of 20 feet from all property lines;
  - b. The structure shall not be used as a residence and shall be removed prior to issuance of a certificate of occupancy for the final building in the project; and
  - c. The use shall be removed immediately upon project completion.
5. *Temporary Vendor.*



- a. The sales area shall not encroach onto a sidewalk; and
- b. The event shall occupy a maximum area of 10 percent of the overall site area.

**Sec. 10-1-26, Wireless Telecommunication Facilities**

- A. **Purpose.** The purpose of this Section is to regulate wireless telecommunications facilities as defined in Section 10-3-26, *Definitions*. This Section provides opportunities to supply wireless telecommunications services in the City with minimal negative impact to the community while respecting residential, mixed use, and commercial neighborhoods.
- B. **Exemptions.**
  - 1. *Temporary Facilities, Emergencies, and Disasters.* With the exception of telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center, as regulated by this Section, wireless telecommunications facilities considered public uses and temporary facilities needed for government-declared emergencies and disasters and where additional capacity is temporarily needed for the public good, shall be permitted in all zoning districts at appropriate locations and heights necessary to adequately provide the service. No minimum setback requirements or maximum height regulations shall apply to such facilities, but reasonable efforts shall be made to be sensitive to the surrounding neighborhood and environment in which they are located.
  - 2. *Micro-Wireless Facilities.* The installation, placement, maintenance, or replacement of equipment meeting the specifications to be considered micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes, and so long as permission is granted by the owners of the cables or lines on which the facilities are located, shall be exempt from the City's permitting requirements and fees.
- C. **Permitted Wireless Telecommunication Facilities by District.** Table 10-1-26-1, Permitted Wireless Telecommunications Facilities by District, shows which Wireless Telecommunication Facility types are allowed in each grouping of districts and provides a cross-reference to specific standards in this Section for each type.

Table 10-1-26-1 Permitted Wireless Telecommunications Facilities by District				
Type of Wireless Telecommunication Facility	LR, MR, HR, MUC, MUN	AUC	GI	Standards <sup>1</sup>
Small Cell	P	P	P	D.2
Concealed	S	P	P	D.3
Industrial Microcells, Distributed Antenna Systems (DAS), Macrocells, and Similar Facilities	S	P	P	D.4
Harrisonburg-Rockingham Emergency Communications Center Facilities	S	P	P	D.5
Freestanding Tower	--	S	P	D.6
Those not Permitted by, or not Meeting the Requirements of this Section	--	S	S	D.7
<b>Notes:</b>				
1. The standards of Subsection D.1, <i>Generally</i> , apply to all districts and facilities. P = Permitted; S = Special Exception Permit; -- = Prohibited				

- D. **Standards.**
  - 1. *Generally.* The following standards shall apply to all wireless telecommunication facilities.



- a. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.
  - b. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-1-24, *Accessory Uses and Structures*. Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by City Council.
  - c. Unless otherwise required, such as outside of the doors of equipment structures or as part of the intent of a concealed wireless telecommunications facility, artificial lighting is prohibited.
  - d. No advertising of any type may be placed on the facility.
2. *Small Cell.*
- a. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.
  - b. The height of such equipment shall not increase the height of the utilized support structure by more than five feet.
  - c. All collocated equipment shall be camouflaged.
3. *Concealed.*
- a. The height of such facilities may exceed the maximum height regulation of the district in which it is located but shall be limited to the height specified in the Special Exception Permit application or as may be more strictly conditioned and approved by City Council.
  - b. Unless collocated, minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by City Council.
4. *Industrial Microcells, Distributed Antenna Systems (DAS), Macrocells, and Similar Facilities.*
- a. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.
  - b. The height of such equipment shall not increase the height of the utilized support structure by more than five feet.
  - c. All collocated equipment shall be camouflaged.
5. *Harrisonburg-Rockingham Emergency Communications Center Facilities.*
- a. The facility shall be no taller than 200 feet in height.
  - b. Minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by City Council.
6. *Freestanding Tower.*
- a. Facilities shall not exceed 125 feet in height.
  - b. Support structures shall meet the minimum setback regulations of the GI district.
  - c. Telecommunications towers shall be designed for more than one accommodation.
7. *Those not Permitted by, or not Meeting the Requirements of this Section.*



- a. All regulating details of the facility (i.e. type, height, setbacks, etc.) shall be as specified in the Special Exception Permit application or as may be more strictly conditioned and approved by City Council.
- b. If installing a telecommunications tower, it shall be designed for more than one accommodation. (This rule does not apply to telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center.)

E. **Reporting of Wireless Telecommunications Facilities.** For each wireless telecommunications facility, except wireless telecommunications facilities deemed to be an eligible facility in existence prior to [insert date of original enactment of this Section], the property owner on which a facility is located shall be responsible for ensuring a report is submitted to the Zoning Administrator once a year, no later than June 30, stating, at minimum, the following,

1. *Owner Contact Information.* Name, address, telephone numbers, and email addresses of the property owner and, if applicable, the owner of the support structure;
2. *Structural Information.* The support structures (including alternative support structures), location (latitude and longitude), street address, height, and structure type;
3. *Tenant Information.* The current user status of the facility including the name and contact information of each active tenant/wireless service provider leasing space from the site;
4. *Available Accommodations.* If vacant/collocation space is available, the report shall indicate such information and explain the facility's available accommodations;
5. *Equipment Description.* An explanation or listing of each tenant's/wireless service provider's equipment identifying at least the type and number of all antennae, equipment cabinets, and any other supporting equipment; and
6. *Equipment Location.* The location of such equipment shall also be described or illustrated.

F. **Maintenance and Enforcement.**

1. *Maintenance.* All required screening, landscaping, camouflaging, concealment mechanisms, and other features shall be maintained, repaired, or replaced.
2. *Enforcement.* Enforcement and penalties due to violations of any section of this Section shall be as otherwise stated in Article M, *Enforcement and Remedies*.

G. **Removal of Defective or Abandoned Facilities.**

1. *Repair or Removal.* Any component of a wireless telecommunications facility that is found to be defective or unsafe shall be repaired immediately by the owner or operator to comply with federal, state, and local safety standards or removed within 30 days upon receipt of written notice.
2. *Abandonment.*
  - a. A wireless telecommunications facility that is not operated for a continuous period of 24 months shall be considered abandoned. The Zoning Administrator shall notify in writing the owner of the property on which the facility is located and shall give the owner 90 days from the receipt of the written notice to remove the facility and all associated components and equipment and return the site to its condition prior to construction of the facility or to a seeded or sodded condition.
  - b. Upon receipt of the notice, the first 30 days of the 90-day rectification period shall be the amount of time the property owner has to demonstrate the facility has not been abandoned. If the property owner fails to prove the facility is actively operating, the owner shall have the remaining 60 days to remove the facility. If the facility is not removed within the allotted time, the City may cause the facility to be removed at the property owner's expense.



H. **Utilization of Section 6409 Wireless Facilities Deployment of the Spectrum Act being part of the Middle Class Tax Relief and Job Creation Act of 2012.**

1. *Applicable Facilities.* The permissions granted by the Spectrum Act Section 6409 Wireless Facilities Deployment (Section 6409) shall be applicable only to wireless telecommunications facilities deemed to be an eligible facility in existence prior to the original enactment of this Section. Modifications shall not substantially change eligible facilities.
2. *Required Information.*
  - a. To make modifications to a wireless telecommunications facility per the permissions of Section 6409, the property owner shall submit the following information:
    1. Name, address, telephone numbers, and email addresses of the property owner, the applicant, and the owner of the facility proposed for modification;
    2. Evidence that the wireless telecommunications facility is an eligible facility that existed prior July 28, 2015;
    3. Location map and elevation drawings of the existing facility and the proposed modifications prepared and certified by a professional engineer;
    4. All existing equipment from all providers and, if applicable, all equipment owned and operated by railroad companies (The information provided for the existing eligible facility may be used as the baseline of facts regarding the site's characteristics if it is the facility's first utilization of Section 6409 and shall be used to prevent abuse of the legislation); and
    5. A letter describing the request.
  - b. The letter, and additional application submissions as required above, shall clearly demonstrate the proposed modification would not substantially change the existing eligible facility. Substantial changes are made if any one of the following occurs:
    1. For towers outside of public rights-of-way, it increases the height by more than 20 feet or 10 percent, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunication facilities, it increases the height of the facility by more than 10 percent or 10 feet, whichever is greater;
    2. For towers outside of public rights-of-way, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunications facilities, it protrudes from the edge of the support structure more than six feet;
    3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
    4. It entails any excavation or deployment outside the current site of the wireless telecommunications facility;
    5. It would defeat the existing concealment elements of the wireless telecommunications facility; or
    6. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

**Sec. 10-1-27, New and Unlisted Uses**

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- A. **Use Categories.** Each of the use categories and specific uses listed in Table 10-1-19-1, *Use Table*, are defined in Section 10-3-26, *Definitions*. The Zoning Administrator may authorize a use that is not listed if the proposed use fits within a defined use category or is functionally the same as a permitted, limited, or special exception.



- B. **If Not Authorized Then Prohibited.** If the Zoning Administrator determines that a proposed use does not fit within a given use category and is not functionally the same as a permitted, limited, or special exception, then the use is a prohibited use.
- C. **Decision Criteria.** In making such determinations, the Zoning Administrator may consider but not be limited to the following criteria:
1. The actual or projected characteristics of the activity in relation to those of the use type;
  2. The amount of site area or floor space and equipment devoted to the activity;
  3. Vehicle parking demand;
  4. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
  5. Types of vehicles used and their parking requirements;
  6. Building impervious surface coverage;
  7. Noise, lighting, dust, and odors;
  8. Solid waste generation;
  9. The number of employees on a typical shift;
  10. Nature and impacts of operation; and
  11. Hours of operation.





## CHAPTER 2 – SUBDIVISION ORDINANCE (Module 2)

## CHAPTER 3 – COMMON DEVELOPMENT PROVISIONS (All Modules)

### Contents:

- Article A – Development Review Bodies (Module 3)
- Article B – Common Development Review Procedures (Module 3)
- Article C – Definitions and Rules of Construction (All Modules)

### Article C – Definitions and Rules of Construction

#### Contents:

- Sec. 10-3-24, Rules of Construction
- Sec. 10-3-25, Acronyms and Abbreviations
- Sec. 10-3-26, Definitions

#### Sec. 10-3-24, Rules of Construction

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The following general rules of construction shall apply to the regulations of [Chapter 1, Zoning](#), [Chapter 2, Subdivision Ordinance](#), and [Chapter 3, Common Development Provisions](#):

- A. **Number.** The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. **Tense.** The words used in the present tense include the past and future tenses, and the future the present.
- C. **Mandates.** The words "shall" and "must" are always mandatory. The word "may" is permissive.
- D. **Buildings and Structures.** The word "building" or "structure" includes any part of the building or structure, and the word "building" includes the word "structure."
- E. **Definitions.** Words and terms not defined in Sec. [10-3-26, Definitions](#), shall be interpreted in accord with their normal dictionary meaning and customary usage.
- F. The terms "main," "primary," and "principal" as used this Title are synonymous.
- G. **District.** The word "district" means zoning district.
- H. **City.** The word "City" means Harrisonburg, Virginia.
- I. **Genders.** If a gendered term is used, such as "he" or "she", all genders are included.
- J. **Conjunctions.**
  - 1. *And.* The word "and" includes all connected items in a series or set of conditions or provisions.
  - 2. *Or.* The word "or" includes one or more of the items in a series or set of conditions or provisions.
- K. **Lists.** The use of terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.
- L. **Fractions.**
  - 1. *Minimum Requirements.* When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more shall be rounded up to the next consecutive whole number, unless otherwise expressly indicated. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to two required trees.



2. **Maximum Limits.** When a regulation is expressed in terms of maximum limits, any fractional result shall be rounded down to the next lower whole number unless otherwise expressly indicated. For example, if a maximum limit of one dwelling unit for every 1,000 square feet is applied to a 3,750 square foot lot, the resulting fraction of 3.75 is rounded down to 3 (dwelling units).

M. **Other Regulations.** All references to other City, state, or federal regulations in this Title refer to the most current version and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

N. **Days.** All references to "days" are deemed calendar days. The time in which an act must be completed is computed by excluding the first day and including the last day. A day concludes at the close of business and any materials received after that time will be deemed to have been received the following day.

O. **Department Head Designees.** Wherever a provision appears requiring the head of a department or another official or employee of the City to perform an act or duty, that provision is construed as authorizing the department head or official to delegate that responsibility to a designee.

## Sec. 10-3-25, Acronyms and Abbreviations

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Pending

## Sec. 10-3-26, Definitions

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Certain words or terms used in Chapter 1, 2, and 3 are defined in this Section. The Zoning Administrator shall interpret words and terms not defined in this Section in accord with their normal dictionary meaning and customary usage.

### A

**Accessory** means as applied to use or structure, means customarily subordinate or incidental to, and on the premises of such use or structure. The words "on the premises of" mean on the same lot or on the contiguous lot in the same ownership.

**Accessory Day Care** means minor family day care home, major family day care home, and home for the aged.

**Accessory Dwelling Unit** means a residential structure either attached to a single-family principal dwelling or located on the same lot and having an independent means of access into the unit. An accessory dwelling unit provides for separate living, sleeping, eating, cooking and sanitation facilities for one or more occupants.

**Accessory Structure** means a structure located on the same parcel as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures are accessory dwelling units, detached garages, carports, and storage sheds.

**Addition** means any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the Chapter.

**Administrator** means the zoning administrator of the City of Harrisonburg as designated by resolution of the city council.

**Adult Bookstore/Video Store** means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals and/or videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or any other similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas" or are intended for the sexual stimulation or titillation of patrons.



**Adult Business** means a use category containing uses that regularly emphasize an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Uses in this use category include: Adult bookstore/video store; Adult mini-motion picture theater; Adult motion picture theater; Adult store; Adult modeling studio; Adult cocktail lounge; Adult nightclub; and other uses meeting the definition of Adult Business according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; and Minor utilities.

**Adult Day Care Center** means a nonresidential facility typically operating several hours per day, providing meals and social and recreational activities under general supervision for elderly persons and/or persons with disabilities.

**Adult Entertainment** means dancing, modeling or other live performances if the performers' performance is characterized by an emphasis on specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other medial that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

**Adult Merchandise** means magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devises or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices or paraphernalia either designated as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

**Adult Mini-Motion Picture Theater** means an enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Motion Picture Theater** means an enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Store** means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

**Agricultural And Animal Services** means a use category that contains uses related to the commercial production, storage, processing, marketing, distribution or export of floricultural, horticultural, or viticultural crops and the small-scale keeping and treatment of animals.

Uses in this use category include: Beekeeping or apiary; Community garden; Floriculture, horticulture, row and field crops, viticulture, or orchard; Kennel; Plant nursery, greenhouse, and landscaping business; Veterinary clinic and hospital; and other uses meeting the definition of Agricultural and Animal-Related according to the Zoning Administrator.

Typical accessory uses include: Associated office; Barn, silo or other agricultural storage; Buildings associated with agricultural uses being pursued on site; Greenhouse; Minor utilities; Parking and storage of operable farm vehicles and farm machinery; and Roadside stand.

**Airport or Heliport** means an area of land or water used for the landing and take-off of aircraft.

**Alley** means a passageway open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.



**All-Weather Surface** means an improved surface that is constructed of four inches of concrete, asphalt, graded stone, grass-crete pavers, uni-stone pavers, or other paving materials approved by the City Engineer.

**Alter** means any change to a sign or its supporting structure, including a change in size, height, or location. The term "alter" shall not apply to the change of message on signs designed to have periodic changes in message, such as changeable copy signs.

**Alteration** means any material change in the floor area, use, adaptability or external appearance of an existing structure.

**Alternative Support Structure** means with regard to wireless telecommunications, any structure currently used primarily for something other than supporting a wireless telecommunications facility.

**Animal Boarding and Dog Kennel** means any establishment wherein an owner engages in boarding, breeding, grooming, letting for hire, or training dogs and other pets for a fee. This includes dog day care centers and privately-owned animal shelters but excludes the boarding of livestock.

**Animated Sign** means a sign or part of a sign that is designed to rotate, move, flutter, spin, scroll, or to have a similar appearance of rotating, moving, fluttering, spinning, and scrolling.

**Antenna** means a whip, panel, disc, rod, dish, or similar device used for transmission or reception of telecommunications.

**Apartment Building** see "Dwelling, Apartment."

**Archery / Firearms Range (Indoor)** means a facility for archery or the discharging of firearms for the purposes of target practice.

**Arterial Street (Principal or Minor)** means a street shown as such in the [Comprehensive Plan](#).

**Assisted Living Facility** means any congregate residential setting 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.

**Awning or Canopy Sign** means a sign placed directly on the surface of an awning or a canopy on a building. Awning signs are treated as wall signs in [Article G, Signs](#).

## B

**Bank or Credit Union** means a federally- or state-chartered establishment that is engaged in business as a bank or credit union.

**Banner** means a sign of flexible material affixed to a framework or flat surface.

**Base Flood Elevation** means the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this Ordinance, the base flood is the 1% annual chance flood.

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year. This is a regulatory standard that is also referred to as the "100-year" flood.

**Base Station** means a wireless telecommunications facility; such facility may consist of radio transceivers; antennas; coaxial, fiber optic, or other cables; a regular and back-up power supply; and other associated electronics and technology. Such facilities are sometimes referred to as base transceiver stations. Base stations may also be structures that currently support or house any of the technology listed in this definition or other associated equipment that constitutes part of a base station in any technological configuration, including distributed antenna systems and industrial microcells.



**Basement** means an area of a building having its floor and at least one-half of its height sub-grade (below ground level) on all sides. A basement is not counted as a story for the purpose of height regulations.

**Bed And Breakfast Facilities** see "Short-Term Rental."

**Bee** means the adult stage of the common domestic honeybee, *Apis mellifera* species.

**Bee Colony** means a bee hive and its equipment and appurtenances, including bees, combs, and honey.

**Beekeeper** means any person who intentionally owns or maintains a bee colony.

**Beekeeping** means a place where one or more beehives are kept.

**Bicycle Parking, Long-Term** means space for parking of bicycles for all-day users, employees, or residents. Such spaces may consist of bicycle lockers, bicycle racks in enclosed areas, or space within a building where a resident, employee, or visitor may park a bicycle for the day or overnight.

**Bicycle Parking, Short-Term** means space for temporary parking of bicycles for visitors and customers. Such spaces may be public or private and typically consist of outdoor bicycle racks.

**Board of Zoning Appeals** means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Title.

**Boarding or Rooming House** means a single detached dwelling, which contains a maximum of 10 guest rooms designed or intended to be used, let or hired out for occupancy for periods of 30 days or more at a time, 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 common kitchen facility. This use may include transitional housing.

**Boat or Recreational Vehicle Outdoor Storage** means a facility where boats, other watercraft, and recreational vehicles are stored outdoors.

**Bufferyard** means a portion of a site with fencing or walls, landscape plantings, and other components that mitigate conflicts between potentially incompatible uses.

**Building Area** means the portion of a lot remaining after required yards have been provided.

**Building** means any structure intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind.

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

**Building, Height of** refer to Subsec. 10-1-17.a, *Measurements*.

**Building, Principal** means a building which contains the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building.

**Building or Development Contractor** means facilities for building, heating, plumbing, or electrical contractors, and related storage facilities. The site may include an unenclosed portion upon which a contractor maintains an area used to store equipment and other materials customarily used in the trade carried on by the contractor. This definition excludes temporary contractor storage associated with the site of an on-going construction project.

**Bus Shelter** means a structure located at a designated public transit stop designed primarily for the shelter of bus passengers.



**Business Garden** means a home occupation, where areas of a parcel are managed and maintained by individuals residing on the same parcel or adjoining parcels under the same ownership, used to cultivate fruits, vegetables, herbs, or flowers for sale purposes. This definition does not include cultivation only for personal consumption or use.

## C

**Caliper** means the diameter of a tree trunk measured in inches measured at six inches above the ground for trees expected to be four inches caliper size and below at maturity, and 12 inches above the ground for trees expected to be larger than four inches in caliper at maturity.

**Camouflage** means with regard to wireless telecommunications facilities, a way of painting, mounting, or locating related equipment so it is not readily apparent to the casual observer. Camouflaged wireless telecommunications facilities are often collocated, utilize flush mounted antennas and related equipment, are painted to match the color of the support structure, or hidden from view by things like parapet walls. Camouflaging equipment is not equivalent to concealing equipment.

**Car Wash** means a facility for the washing or cleaning of vehicles. A car wash may be:

- A bay or a group of bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;
- An automated conveyor or drive-through bay that allows washing a vehicle while moving through the structure.

**Carnival** means an establishment with amusement activities; merry-go-rounds, fair, ferris wheels and similar types of amusement rides; booths for the conduct of games of skill; food dispensing facilities; and sideshows; that are temporarily conducted outdoors and not within a theater, auditorium, gymnasium or other permanent building.

**Cemetery or Mausoleum** means uses intended for the burial of the dead and dedicated for cemetery purposes.

**Changeable Copy Sign** means a sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Child Day Care Center** means a regularly operating service arrangement for two or more children under the age of 13, where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four-hour period, in a facility that is not the residence of the provider or of any of the children in care. A nursery school shall be considered to be a child day care center.

**Circus** means an event with a variety of shows, including, but not limited to, animal acts, feats of physical skill, and performances by entertainers such as jugglers or clowns, which is temporarily conducted out-of-doors and not within a theater, auditorium, gymnasium or other permanent building.

**Client Unit, Home Occupation** means a person or group of persons related by blood, marriage, or shared household, who directly receive the services of the operator of a home occupation. Examples of a single client unit include:

- A student receiving lessons from a tutor or on a musical instrument and his or her parents; or
- Married persons or those living in the same household receiving advice from a professional such as an accountant or attorney const.

**Clinic** means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more physicians practicing medicine, dentistry or psychiatric treatment.

**Club** means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.





**Coastal A Zone** means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

**Collector Street (Major or Minor)** means a street shown as such in the [Comprehensive Plan](#).

**College or University** means a public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty.

**Collocate** means with regard to wireless telecommunications facilities, the act of locating wireless telecommunications facilities on any existing support structure.

**Columbarium** means a principal structure or accessory structure, that is used or intended to be used for the inurnment of cremated remains.

**Commercial and Office Use** means a use within a use category that is listed under the "Commercial and Office" heading in Table [10-1-19-1, Use Table](#).

**Commission** means the city Planning Commission.

**Community Garden or Food Forest** means a private or public facility for cultivation of fruit, nuts, flowers, vegetables, or ornamental plants, managed and maintained by more than one person, household, or a nonprofit organization. Community gardens has a higher level of maintenance and management compared to a food forest, which is left in a relatively natural state.

**Concealed Wireless Telecommunications Facility** means any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.

**Condominiums** means real property and any incidentals thereto or interests therein which have been or are to be lawfully established as such under the Virginia Condominium Act.

**Consumer Microcell** means with regard to wireless telecommunications, a signal booster that is marketed and sold to the general public for use without modification. These types of devices do not require professional installation and are used for personal use by individuals to improve coverage in a home, car, boat, recreational vehicle and other related areas.

**Convenience Store** means a small commercial shopping facility designed as a component of the neighborhood or district in which it is located.

**Convention Center** means a facility used for business or professional conferences and seminars, exhibitions, and entertainment events.

**Correctional Facility** means an establishment providing housing and care for individuals legally confined for violations of law.

**Critical Area** means lands or bodies of water that are subject to natural hazards or that supports unique, fragile, or valuable natural resources including fish, wildlife, and other organisms and their habitat. Example critical areas include: wetlands, streams, frequently flooded areas, aquifer recharge areas, and groundwater discharge areas.

**Cul-De-Sac** means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.



**Curb Grade** means the elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the city engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the city.

## D

**Day Care** means a use category containing principal uses that provide care, protection, and supervision for at least two children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 24 hours each day, although the facility may be open 24 hours each day.

Uses in this use category include: Adult day care center; Child day care center; Pre-school; and other uses meeting the definition of Day Care according to the Zoning Administrator. Major and minor family day care centers are accessory uses and not part of this use category.

Typical accessory uses include: Associated office and storage; Food preparation and dining facility; Minor utilities; and Recreation facility

**Deciduous Shrub** means a low woody plant usually having multiple stems or branches that loses its foliage at the end of the growing season.

**Deciduous Tree, Large** means a tree that loses its foliage at the end of the growing season, which at maturity exceeds four inches in caliper. When planted, these trees shall be at least two inches in caliper and be a minimum of 10 feet in height. Multi-stem trees shall also be a minimum of 10 feet in height.

**Deciduous Tree, Small/Ornamental** means a tree that loses its foliage at the end of the growing season, which at maturity is four inches or less in caliper. When planted, these trees shall be at least one inch in caliper and be a minimum of six feet in height. Multi-stem trees shall also be a minimum of six feet in height.

**Density** means the total number of dwelling units divided by the area in acres of all land within a development dedicated to residential uses, including residential lots and buildings and the streets, parking areas, landscape areas, parks and open space serving the residential uses.

**Design And Construction Standard Manual** means refers to the City of Harrisonburg's Design and Construction Standards Manual as adopted by City Council.

**Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, stripping topsoil, graveling, paving, excavation or drilling operations or storage of equipment or materials.

**Development Site** means a lot or combination of lots upon which development is proposed or exists. The term is generally used in relation to nonresidential development.

**Director** means Director of Community Development or their designee.

**Distributed Antenna Systems (DAS)** means a wireless telecommunications facility; a system or network of spatially separated antennas connected to a common transport medium (i.e. coaxial, fiber optic, or other cable) to a signal source, such as a base station or an external antenna capable of connecting to a base station wirelessly. Such systems/networks commonly have three primary components: remote communications nodes, each having at least one antenna for transmission and/or reception; a high capacity signal transport medium, which is either underground or aerial; and a central communications hub to propagate and/or convert, process or control signals transmitted and received through the nodes. DAS may also include additional equipment such as amplifiers, remote radio heads, signal converters, power supplies, and other related equipment.



**District** means any section of the City of Harrisonburg for which the regulations governing the use of the buildings and premises, the heights of building, the size of yards and the intensity of the use are uniform.

**Domestic Violence Homeless, or Youth Shelter** means a facility that provides emergency shelter to individuals without fee who are experiencing domestic violence or homelessness. The facility shall be managed by a non-profit agency with in-house supervision during operation.

**Dormitory** means a building used as a group living quarters for a student body or members of a religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

**Double-Faced Sign** means a sign with two faces supported by the same structure and diverge from a common edge by an internal angle of no more than 45 degrees. Signs with faces diverging from an angle more than 45 degrees shall be considered multiple signs.

**Drive-Through Facility (Same As "Drive-In")** means any portion of a building or structure from which customers can receive a service or obtain a product while in their motor vehicle. Regulated as a subordinate use to a principle use, regardless of the nature of the principle use.

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

**Driveway Sign** means a wall or freestanding sign located within ten (10) feet of: (1) a driveway entrance or exit (as measured at the lot line) or (2) the intersection of a driveway or parking aisle (measured from the edge of pavement, or the furthest edge of parking aisle).

**Dwelling, Apartment** means a building comprised of five or more dwelling units, not separated by a property line, within which each unit may not have a minimum of two outside walls, as in a tri- or quadraplex, and where each unit is designed for one family or occupancy.

**Dwelling, Duplex** means two connected dwelling units on a single lot that are totally separated from each other by an unpierced fire-rated wall extended from basement to roof with the units being either side-by-side or one on top of the other, where each unit is designed for one family or occupancy.

**Dwelling, Single-Family Attached** means two attached single-family dwellings located on two separately platted lots that share a common unpierced fire-rated wall from basement to roof along the interior lot line, where each is designed for one family or occupancy as described by the specific zoning district.

**Dwelling, Single-Family Detached** means a building located on a single lot, designed exclusively for one family or occupancy as described by the specific zoning district and entirely separated from any other dwelling by setbacks on all sides. The term includes manufactured or modular houses on their own lot.

**Dwelling, Townhouse** means one of a series of at least three attached dwelling units, not to exceed eight, separated from one another by common unpierced fire-rated walls from basement to roof along the interior lot lines. Townhouses have varied but compatible elevations, and not more than two abutting dwelling units have the same front yard setback. The lots, utilities, and other improvements for each "townhouse" would be designed to permit individual and separate ownership of such lots and dwelling units. and where each is designed for one family or occupancy as described by the specific zoning district.

**Dwelling, Tri- or Quadraplex** means a type of attached multiple dwelling containing three or four attached dwelling units in one building with each unit having a minimum of two outside walls and sharing one or more walls with an adjoining unit or units. Each dwelling unit has direct access to the outside or to a common hall and each is designed for one family or occupancy as described by the specific zoning district.



**Dwelling Unit** means a single enclosed area providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Unless otherwise specified, dwelling units shall be for nontransient occupancy of 30 days or more. The term does not include recreational vehicles.

## E

**Easement** means a grant by a property owner of the use of land for a specific purpose.

**Educational Facilities** means a use category containing public and private schools at the elementary, middle, or high school level that provide basic academic education and includes public pre-kindergarten. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Uses in this use category include: College or university; Training facility or vocational school; Public schools or private school elementary, middle, or high school; and other uses meeting the definition of Educational Facilities according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Athletic facilities; Auditorium or theater; Before- and after-school day care; Concession; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; and Recreation facility.

**Electronic Message Center** means an electronic message center is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Such a sign is not a changeable copy sign.

**Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, easement, or public right-of-way and which, in the case of a floodplain, may impede or alter the flow capacity.

**Entertainment, Indoor** means a use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Bowling center; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Laser tag or paintball establishment (indoor); Movie or other indoor theater; Night club; Pool hall; Remote control race track, indoor; Skateboard or trampoline park; Skating rink; Swimming pool (indoor); Tennis or racquetball facility (indoor); and other uses meeting the definition of Indoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; Minor utilities; and Swimming pool, indoor.

**Entertainment, Outdoor** means a use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include: Amphitheater; Amusement park; Farmers market, outdoor; Flea market, outdoor; Mini-golf course; Paintball establishment (outdoor); Remote control race track, outdoor; Stadium, arena, running track or ball field; and other uses meeting the definition of Outdoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining area; Minor utilities;

**Equipment Cabinet** means with regard to wireless telecommunications, a cabinet, shed, shelter, or other structure, where equipment is housed to support wireless telecommunications services.



**Establishment** means a public or private institution or a place of business.

**Evergreen Shrub** means a low woody plant usually having multiple stems or branches and keeping its foliage all year.

**Evergreen Tree** means a tree that does not shed its foliage annually. When planted, these trees shall be at least six feet in height.

**Existing Construction** means for the purposes of the insurance program, structures for which the “start of construction” commenced before the effective date of the FIRM or before February 6, 2008, or FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”

**Explosives or Other Hazardous Materials**, means:

- Any chemical compound or device, the primary purpose of which is to simultaneously release gas and heat, the resulting pressure being capable of producing destructive effects; or
- Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of anyone coming into contact with such substances or materials.

## F

**Facade, Front** means the principal frontage of a building which, by either aesthetic attention, main entry and egress, or the longitudinal dimension of the structure, becomes the primary frontage.

**Facade, Rear** means that portion of a building which is, by either service area, secondary entry and egress or the facade directly opposite the front facade of the structure, the reverse frontage of the building.

**Family Day Home, Major** means a child day care program offered in the residence of the provider or the home of any of the children in care for five through twelve children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

**Family Day Home, Minor** means a child day care program offered in the residence of the provider or the home of any of the children in care for one through four children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.

**Family** means (a) An individual, or two or more persons related by blood, marriage, or adoption, or under approved foster care; or (b) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing with one or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of the Zoning Ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in [Section 54.1-3401](#) of the Code of Virginia or its successor; or (c) A group of up to eight aged, infirm, or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia.

**Farm Product** means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

**Farm Product, Value-Added** means any product processed from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.



**Farmers Market** means an indoor or outdoor market where at least 75 percent of the items for sale are farm products or value-added farm products.

**Feather Sign** means a lightweight sign mounted along one edge on a single and vertical pole structure, which may resemble a feather, sail, bow, or teardrop. Feather signs are animated signs.

**Financial Institution And Offices** means any building wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment/securities companies.

**Flag** means a piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope.

**Flashing Sign** means a sign that includes lights that flash, blink, or turn on and off at less than five second intervals.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

**Flood Insurance Study (FIS)** means a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

**Flood or Flooding** means

- A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - The overflow of inland or tidal waters;
  - The unusual and rapid accumulation or runoff of surface waters from any source; or
  - Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.\
- The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood Proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures or property which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofing must be automatic or inherently designed.

**Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source during a 100-year flood as defined by the Federal Emergency Management Administration, Flood Hazard Area Delineations, or channels or drainageways with tributary areas that are 130 acres or greater.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community or less as established by Federal Emergency Management Administration guidelines.

**Floor Area** means the gross horizontal areas of all floors, including basements, cellars and attics (but not such areas within a building which are used for parking), measured from the exterior faces of the exterior walls of a building.

**Floor Plate** means the horizontal land area occupied by a building at finished grade.





**Focal Point** means a feature that serves as a reference point for a place or provides visual interest. Examples of focal points include public art installations, special landscape features, iconic building elements, such as a corner tower, that gives distinct identity to individual sites, or a site at the end of a street, where views terminate.

**Fraternity or Sorority House** means a structure occupied by persons who are members of a fraternity, sorority, association, or group chartered for social, educational, religious, or service purposes.

**Freeboard** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the floor elevation of a structure, the flood insurance premiums may be less expensive.

**Freestanding Sign** means any non-portable sign supported by a fence, wall, or by upright structural members or braces on or in the ground and not attached to a building.

**Funeral Home** means a building used for the preparation of corpses for burial or for cremation which may also be used for funeral services.

## G

**Garage, Storage, or Parking** means a building or portion thereof designed or used exclusively for storage or motor-driven vehicles.

**Golf Course** means an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses.

**Government Facilities** means a use category containing offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

Uses in this use category include: Detention center, jail or prison, publicly-owned and operated; Emergency services, police or fire station; Post office; Utility office and other uses meeting the definition of Government Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Dormitory; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees or inmates; Meeting space; Minor utilities; and Recreation facility.

**Group Home** means a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single-household. For the purposes of this ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in [Section 54.1-3401 of the Code of Virginia](#). No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. This type of residential facility shall be deemed to be any group home or other residential facility for which the Virginia Department of Behavioral Health and Developmental Services is the licensing authority pursuant to this code.

**Group Living** means a use category containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include: Assisted living facility; Boarding or rooming house; Dormitory or fraternity or sorority house; Nursing home; and other uses meeting the definition of Group Living according to the Administrator.



Typical accessory uses include: Associated office; Facilities for treatment of sickness or injuries; Food preparation and dining facility; Minor utilities; Pool house; Private community center; Swimming pool; Recreational facility; and other miscellaneous household amenities.

## H

**Heavy Industrial** means a use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include the manufacture, assembly or processing of: acid, acetylene gas, ammonia, asbestos and asbestos products, asphalt, brick or tile or terra cotta, celluloid, cement, chalk, charcoal, chemicals, chlorine, cotton oil, creosote, fat, fertilizer, fireworks, gas, gelatin, glass, glue, graphite, grease, gunpowder, gypsum, insecticide, lacquer, lard, lime, linoleum, manufactured or mobile homes, paraffin, petroleum, plaster of Paris, poison, porcelain, rubber, salt, shellac, tallow, tar, tires, turpentine, varnish, vinegar, wax, or yeast.

Additional uses include: Arsenal; Bulk storage of explosive or hazardous materials; Concrete batching and asphalt processing and manufacture; Fertilizer storage; Grain elevator; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Railroad yard or repair shop; Sawmill; Smelter; and other uses meeting the definition of Heavy Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; and Single residential unit for caretaker.

**Heavy Vehicular and Equipment Sales, Service, and Repair** means an establishment engaged in the display, sale, leasing, rental, or repair of heavy vehicular equipment of 12,000 or more pounds gross vehicular weight.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Area** means an area or existing site containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

**Historic Structure** means any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - By an approved state program as determined by the Secretary of the Interior; or,
  - Directly by the Secretary of the Interior in states without approved programs.



**Home for the Aged** means a residential accessory use in which three persons not of the immediate family are provided with food, shelter, and care for compensation

**Home Occupation** means any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building, other than business gardens, typically by a member of a family residing on the premises.

**Homestay** means, in a single-family detached, duplex, or townhouse dwelling unit, the provision of a guest room or accommodation space within the principal building that is suitable or intended for transient occupancy of a maximum of four guests in the homestay at any one time for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy a maximum of 90 days per calendar year.

**Hospital** means a facility in which patients or injured persons are given advanced or comprehensive medical, surgical, and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of contagious or incurable diseases.

**Hotel or Motel** means a facility offering overnight lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. The office has a 24 hour employee on site and daily rates.

**Household Living** means a use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include: Apartment; Duplex; Manufactured home; Single-family attached; Single-family detached; Townhouse; Tri- or quadraplex; and other uses meeting the definition of Household Living according to the Zoning Administrator.

Typical accessory uses include: Beekeeping or apiary; Business garden; Chickens, keeping of (subject to [Sec. 15-2-24, Fowls, Chickens, and Other Domestic Birds](#), of the City Code) Child care; Domestic storage; Family day home, major or minor; Minor utilities; Garage, attached or detached; Home occupation; Leasing office for manufactured home park or apartment complex; Model home with sales office in model home; Pool house; Private community center; Short-term rental or homestay; Swimming pool (private); and other miscellaneous household amenities.

**Housing** means see "Dwelling."

**Hydrologic And Hydraulic Engineering Analysis** means analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**Illegal Sign** means any sign erected without a required permit or which otherwise does not comply with any provisions of Chapter 1, Article G.

**Illuminated Sign** means a sign that is backlit, internally lighted, or indirectly lighted.

**Incidental Sign** means a sign with copy located on a rigid panel and mounted on a pole, monument, wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content. An incidental sign does not include any prohibited sign. Temporary signs are considered a form of incidental sign.



**Industrial Microcell** means a wireless telecommunications facility; a standalone, short range radio transceiver located in specific locations, either indoors or outdoors, where there is often low signal quality and high demand for a wireless telecommunications signal. Examples include but are not limited to industrial signal boosters, repeaters, bi-directional amplifiers, and devices specifically identified as microcells. Consumer microcells, such as femtocells, for residential or household use or mobile use (i.e. vehicular, boat, etc.), and equipment meeting the thresholds to be considered small cell facilities, are excluded from this definition.

**Industrial Use** means a use within a use category that is listed under the "Industrial" heading in Table 10-1-19-1, *Use Table*.

**Industrialized Building** means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a commercial finished building. Manufactured homes defined in the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

**Institution** means a nonprofit corporation or a nonprofit establishment whose purpose is civic, educational, charitable, religious or philanthropic in nature.

## J

**Junk Yard** means any space or area or portion of lots used for the storage, sale, keeping, or abandonment of junk, inoperable vehicles, or waste materials, including used building material, or for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery, or parts thereof.

## K

**Kitchen** means a room or portion of a building used, intended, or designed to be used for cooking and other preparation of food.

## L

**Landscaping Island** means an area that includes landscaping within a parking lot.

**Landscaping** means living vegetation primarily used to enhance property aesthetics, values, and/or to improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation. Mulch and/or stone shall be used only for the enhancement of vegetation. The use of mulch and/or stone alone is not considered landscaping.

**Letters of Map Change (LOMC)** means a letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this



determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

- Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

**Letter of Map Amendment (LOMA)** means An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

**Letter of Map Revision (LOMR)** means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR)** means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

**Light Industrial** means a use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include manufacture or assembly of: aircraft, alcoholic beverages (wholesale), appliances, artificial limbs, automobiles or trucks, awnings, batteries, beds, blinds, boats, bones, books, boxes or crates or pallets, brooms, building materials, buses, carpet, clothing or textiles or canvas, coffins, corrugated metal, cosmetics, disinfectant, dyes or inks, equipment, electrical items, felt, hardware, hemp, ice, jewelry, medical, optical or dental instruments or supplies, machinery, metal, mirrors, medical instruments, motors or engines, musical instruments, paint, perfume, pharmaceuticals, railroad vehicles and equipment, recreational vehicles, shoes, shutters or shades, signs, and toys.

Additional uses include: Bakery, wholesale; Boiler works; Bottling or canning; Brewery; Building and development contractors; Bulk mailing service; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Exterminator service; Food processing; Grain and feed manufacturing building; Janitorial and building maintenance service; Maintenance and repair shop; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research and development laboratory; Slaughtering, packaging or processing of poultry Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing; and other uses meeting the definition of Light Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; Single residential unit for caretaker; and Wholesale and/or retail sales.

**Local Street** means a street shown as such in the [Comprehensive Plan](#).



**Lot Area** means the total horizontal area within the lot lines of a lot. No existing alley, public way, public land or area proposed for future street (alley) purposes is included within the net area of a lot. On-site easements are included in the land area of a lot.

**Lot Depth** means the average horizontal distance between the front and rear lot lines.

**Lot** means an area of land established by a plat or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Lot of Record** means a lot which has been recorded in the office of the clerk of the circuit court.

**Lot, Nonconforming** means an otherwise legally platted lot that does not conform to the minimum area of width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

**Lot, Width** means the distance between side lot lines measured at the building line.

**Low-Impact Development** means an approach to stormwater management that mimics a site's natural hydrology as the landscape is developed.

**Lowest Adjacent Grade** means the lowest natural elevation of the ground surface next to the walls of a structure.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

## M

**Macrocell** means any wireless telecommunications facility not considered a concealed wireless telecommunications facility, a consumer microcell, a small cell facility, an industrial microcell, or a distributed antenna system.

**Manufactured Home** means a structure, subject to federal regulation, constructed after July 1, 1976, that meets or exceeds Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park** means an area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for two or more manufactured homes intended to be used as living facilities.

**Manufactured Home Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufactured Home Sales And Service Establishment** means use of land whereon the primary occupation is the sale and accessory service of manufactured homes. This use shall not include storage of nonhabitable manufactured homes for a period of time exceeding 90 days, in which case the use is considered a junk yard.

**Marginal Access Street** means a minor street generally paralleling and contiguous to a major street designed primarily to promote safety by providing free access to abutting properties and limited access to the major street.





**Marquee** means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond a building wall designed and constructed to provide protection against the weather.

**Marquee Sign** means a sign attached to or made a part of a marquee or any similar projections from a building. Marquee signs are wall signs.

**Mean Sea Level** means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

**Medical Facilities** means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include: Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office; and other uses meeting the definition of Medical Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated helicopter landing facility; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care for children of employees or patients; Dormitory; Fleet maintenance; Food preparation and dining facility; Minor utilities; Place of worship; Pharmacy; and Recreation facility.

**Memorial Park** means an open space designed for contemplation or recreation, commemorating the death of an individual or of many people but with no interment of bodies or the disposal of human or animal ashes.

**Micro-Manufacturing** means the retail or business-to-business indoor production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers.

**Micro-Wireless Facility** means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

**Mini-Warehouse** means a structure containing separate storage spaces, which may be of various sizes, but not exceeding 800 square feet, leased or rented on an individual basis but not for human or animal occupancy. This use also may be known as self-service storage.

**Mobile Food Unit** means a temporary establishment engaged in the retail sale of prepared food for consumption, on site or offsite, from a movable vehicle that is registered with the Virginia Department of Motor Vehicles, portable structure, or pushcart.

**Mobile Home** means a structure that was constructed before July 1, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or, when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

**Monument Sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign. Monument signs are freestanding signs.

**Multiple Establishment Building** means a commercial development with two or more establishments on a single parcel of common ownership attached by common walls or, if located in separate buildings, are interconnected by walkways and/or access ways on one or more commonly owned or managed properties, providing common parking facilities for all establishments, having multiple tenancy of a single or several common structures, and otherwise presenting the appearance of one continuous commercial area.



## N

**Neighborhood Sign** means freestanding sign located at the entrance of a neighborhood or subdivision.

**Net Development Area** means the total area of land in the MX-U development designated on the master development plan for residential, nonresidential, or open space uses, excluding streets.

**New Construction** means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after February 6, 2008, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Nonconforming Sign** means any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this Chapter 1, Article G and which fails to conform to current standards and restrictions.

**Nonconforming Structure** means any lawful structure existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

**Nonconforming Use** means any lawful use existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

**Nursing Home** means a home for the aged, or infirm, senile, chronically ill or convalescent in which persons not of the immediate family are received, kept or provided with food, shelter, treatment and care for compensation, but not including hospitals, clinics or similar institutions.

## O

**Off-Premises Sign** means a sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered at a location other than the parcel on which the sign is located.

**Office** means a use category containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include business and professional offices or agencies for services such as: accounting, advertising, architecture, bill collection, consulting, counseling and therapy, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel.

Additional uses include: Bank or credit union; TV, recording, or radio studio; and other uses meeting the definition of Office according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Medical clinic for employees; Minor utilities; Food preparation and dining facility for employees; Recreation facility for employees; and Private telecommunication or transmission tower.

**On-Premises Sign** means any sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered on the parcel upon which the sign is located.



**Open Space, Common** means land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan. "Open space" as applicable for stormwater management plan compliance may be interpreted differently, per Virginia Department of Environmental Quality regulations enforced by the City.

**Outdoor** means a descriptor for an activity taking place outside of a building.

**Outdoor Display** means an area outside of a building for display of finished goods actively available for retail sale, rental, or lease. Goods include but are not limited to riding mowers, grills, portable swimming pools, house plants, and other similar products. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered outdoor storage. .

**Outdoor Storage** means the storage of any item outside of an enclosed structure in shipping boxes, crates, on pallets, or in other shipping containers not available for retail purchase from the immediate location at which they are stored. This includes but is not limited to wholesale contractor materials such as lumber, pipes, or landscaping, supplies, raw material, commercial vehicles or equipment, and other similar items.

**Overnight Accommodations** means a use category containing uses with sleeping and bathroom units arranged for short-term stays of less than 30 days for rent or lease. The office has a 24 hour employee on site and daily rates.

Uses in this use category include: Hotel, Motel, or Resort; and other uses meeting the definition of Overnight Accommodations according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Meeting space; Minor utilities; Recreational facility; Restaurant; and Swimming pool (public).

## P

**Parking Bay** means multiple parking spaces arranged in single or double loaded rows.

**Parking, Commercial** means a use category containing commercial facilities that provide parking that is not accessory to a principal use, for which a fee may or may not be charged.

Uses in this use category include: Park-and-ride facility; Parking lot or structure, commercial; Truck, tractor, trailer or bus storage or parking yard, lot, or garage; and other uses meeting the definition of Commercial Parking according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; and Minor utilities

**Parking Lot** means a defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive-throughs, except public street ingress and egress.

**Parking Space** means the area required for parking one automobile which shall be a minimum of nine feet wide and 18 feet long, not including passageways.

**Parking Space, Accessible** means a parking space with associated five-foot wide access aisle with state of Virginia approved signage.



**Parking Unit, Private** means a self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit may be entered by a private drive from the public street; provided, that such drive offers adequate ingress and egress for emergency vehicles and otherwise complies with acceptable city standards.

**Parking, Off-Street** means any on-site space specifically allotted to or required for vehicle and bicycle parking.

**Parking, Structured** means a facility designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes parking garages, deck parking, and underground or under-building parking areas.

**Parks and Open Areas** means a use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas and having few structures.

Uses in this use category include: Private club and golf course; Cemetery, columbarium, mausoleum, or memorial park; Dog park; Park or playground; and other uses meeting the definition of Parks and Open Areas according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales area related to the primary use; Boat launch; Concession; Dining area; Minor utilities; and Recreation facility.

**Passenger Terminal** means a use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.

Uses in this use category include: Airport; Heliport; Bus terminal; Transportation service facilities, including but not limited to those for: taxicab, limousine, or bus; and other uses meeting the definition of Passenger Terminal according to the Zoning Administrator.

Associated office and storage; Associated retail sales area related to the primary use; Concession; Fleet maintenance; Freight handling area; Fueling facility; and Minor utilities.

**Pervious Pavement** means a surface that is combined with one or more underlying aggregate layers designed to temporarily store stormwater. These systems include, but are not limited to, the following:

- Pervious asphalt;
- Pervious concrete;
- Modular pavers designed to funnel water between blocks;
- Lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water;
- Plastic geocells with turf grass or gravel; and
- Reinforced turf grass or gravel with overlaid or embedded meshes.

Impervious surfaces and gravel, turf, or other materials that are not part of a structured parking system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system.

**Place of Worship or Religious Assembly** means any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, mosque, synagogue, and temple, synagogue.

Typical accessory uses include: classrooms for accessory religious education, separate assembly hall for social and educational gatherings.



**Plan of Development** means a sketch of the site drawn to scale, showing the dimensions and acreage of the property, and approximate location of buildings, roads, parking areas and landscaping, the number of dwelling units or commercial or other types of buildings and other information essential for determining whether the provisions of this chapter are being observed, such as pertinent site engineering data. This term may refer to Comprehensive Site Plans (or other types of site plans), Preliminary Plats, plans provided for Conditional Zonings, or similar documents.

**Plant Nursery, Greenhouse, and Landscaping, Retail** means a facility where plants and landscaping materials are raised and/or sold. Such uses must be served by a permanent building. These uses may include the storage of materials used for installation of landscaping materials.

**Plat** means a plan or map of a tract or parcel of land, meeting the requirements of this [Chapter 2, Subdivision Ordinance](#), which is to be or has been subdivided. As a verb, the term is synonymous with "to subdivide". The term "plat" also includes the schematic representation of the land divided or to be subdivided or resubdivided.

**Pole Sign** means a sign that is attached to one or more freestanding poles. Pole signs are freestanding signs.

**Portable Restroom Facility** means a movable restroom facility including but not limited to single portable toilets, portable sinks, trailer-mounted toilets, and restroom trailers that may include showers and tubs. Portable restroom facilities, as defined herein, shall be considered accessory buildings.

**Portable Storage Unit** means a large container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

**Post-FIRM Structures** means a structure for which construction or substantial improvement occurred after February 6, 2008.

**Pre-FIRM Structures** means a structure for which construction or substantial improvement occurred on or before February 6, 2008.

**Premises** means a parcel of land, together with any building or structures occupying it.

**Private Club** means an association organized and operated on a nonprofit basis for persons who are bona fide members paying dues, with which the association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available. This definition includes country clubs.

**Projecting Sign** means any sign, other than a wall sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

**Property** means any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

**Property Owners' Association** means a non-profit organization or other legal entity established and constituted in accordance with the Virginia Property Owners' Association Act.

**Public Area** means any public place, public right-of-way, or parking lot or other right-of-way open to use by the general public.

**Public Assembly** means a use category containing establishments where people assemble for religious, philosophical, fellowship, or cultural purposes.

Uses in this use category include: Assembly, meeting, event or exhibition hall; Church, mosque, temple, synagogue, or other place of worship; Museum; Public library; Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities; Club or lodge; Community, senior, or youth center; Philanthropic institution; and other uses meeting the definition of Public Assembly according to the Zoning Administrator.



Typical accessory uses include: Assembly hall; Associated office and storage; Associated retail sales area related to principal use; Athletic facilities; Auditorium or theater; Before- and after-school day care; Classrooms; Concession; Day care; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; Pre-school; and Recreation facility.

**Public Floor Area** means the gross building area, as figured on a per-story basis, which clearly serves the general public, such as vestibules and lobbies, corridors, waiting rooms and toilets, servicing areas, and required stairs, ramps and elevators. Employee oriented areas, such as kitchens and freezer rooms, storage, maintenance and service areas, shall not apply. Unfinished areas shall be included and figures on the basis of potential use.

**Public and Institutional Use** means a use within a use category that is listed under the "Public and Institutional" heading in Table 10-1-19-1, Use Table.

**Public School** means educational facilities operated by Harrisonburg City Public Schools.

**Public Use** means any instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the City; (2) another governmental entity having a contractual relationship with the City for the use of such lot or parcel or improvement; or (3) another entity such as public/private partnership.

## R

**Radio or Television Station or Studio** means an establishment containing one or more broadcast studios for over-the-air, cable, or satellite delivery of radio or television programs.

**Recreational Vehicle** means a vehicle that is

- Built on a single chassis;
- Four hundred square feet or less when measured at the largest horizontal projection excluding slideouts;
- Designed to be self-propelled or permanently towable by a maximum one-ton truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

**Recreational Vehicle Park** means any property upon which two or more occupied recreational vehicles are situated, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the park.

**Repair-Oriented Use** means a subset of uses in the Retail Repair, Sales, and Service use category that is primarily engaged in the provision of repair services to individuals and households rather than other businesses, but excluding vehicle and commercial repair services.

Uses in this use category include store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service use type, and including, but not limited to: appliances, bicycles, clocks, electronics, furniture, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches. and other uses meeting the definition of Repair-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

**Repetitive Loss Structure** means a building covered by a contract for flood insurance that has incurred flood-related damages on two or more occasions in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood related damage, the contract for flood insurance contains increased cost of compliance coverage.





**Residential Use** means a use within a use category that is listed under the "Residential" heading in Table 10-1-19-1, *Use Table*.

**Restaurant** means a use category containing uses serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down; Restaurant, drive-in or drive-through; and Other uses that the Administrator interprets to be functionally similar to a use in this use type. and other uses meeting the definition of Restaurant according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Drive-through facility; Minor utilities; Outdoor dining area; and Recreational facility.

**Restaurant, Drive-In or Drive-Through** means a restaurant with indoor or outdoor dining located either within a coordinated development or situated in a stand-alone structure, that contains a drive-in or drive-through facility and customarily serves food in disposable containers.

**Retail Repair, Sales, and Service** means a use category containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

**Right-of-Way Lines** means lines which separate private property from dedicated public property containing or proposed to contain publicly owned street surfaces, curb and gutter, sidewalks and planted strips. Where a public street is designated on the major thoroughfare plan, all requirements of this chapter which relate to rights-of-way shall be measured from the indicated proposed right-of-way lines.

**Robbing** means the pilfering of honey from a weak colony by other honeybees or insects.

**Roof Sign** means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, the lowest portion of a roof for any building with a pitched roof, or above a parapet wall.

## S

**Sales-Oriented Use** means a subset of uses in the Retail Repair, Sales, and Service use category that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Uses in this use category include selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets or pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys; and other uses meeting the definition of Sales-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.



**Screening** means the use of fences, decorative walls or other physical or structural enclosures or plant material to separate uses and hide from view materials which require screening. Screening shall be required for outside storage areas only when called for by the zoning ordinance. Fences, decorative walls or other physical or structural enclosures used for screening shall be opaque to obstruct view of storage materials, with the finished face facing outside, and shall be at least six feet in height with a maximum of eight feet in height. If plant materials are used for screening purposes, they shall be three to four feet in height at planting time and shall otherwise meet the same intent as stated for fencing, etc. with the exception of height described herein. Screening, including walls and plant material, for parking lots and garages adjacent to public streets may be a minimum of four feet in height rather than six feet as specified above for other types of screening.

**Self-Service Storage** means a use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use category include: Boat or recreational vehicle storage; Mini-warehouse; and other uses meeting the definition of Self-Service Storage according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Moving vehicle rental; and Single attached caretaker's quarters.

**Service-Oriented Uses** means a subset of uses in the Retail Repair, Sales, and Service use category that provides non-medical services that are generally needed on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Uses in this use category include: Pet grooming; Barbershop or beauty, nail, skin care, or tanning salon; Body art service; Day spa; Dry cleaning and pressing establishment; Funeral home or mortuary; Laundromat; Massage establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; Taxidermist; and other uses meeting the definition of Service-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

**Setback** means the minimum or maximum distance by which any building or structure must be separated from all lot lines.

**Setback, Front** means the area of a property between the right-of-way line of the street from which the property is addressed and the part of the structure nearest to such street, and extending across the width of the property.

**Setback, Rear** means the area of a property between the rear lot line and the part of the structure nearest to such lot line, extending across the width of the property.

**Setback, Side** means the area of a property between the side lot line and the portion of the structure nearest to such lot line, extending between the front and rear setbacks.

**Setback, Side Street** means the area of a corner property between the right-of-way line of the street from which the property is not addressed and the part of the structure nearest to such street, extending between the front and rear setbacks.

**Severe Repetitive Loss Structure** means a structure that:

- Is covered under a contract for flood insurance made available under the NFIP; and
- Has incurred flood related damage;



- For which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
- For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

**Shallow Flooding Area** means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Shopping Center** means commercial development of more than one retail sales or service establishment on a single parcel of common ownership attached by common walls or if located in separate buildings are interconnected by walkways and/or access ways, providing common parking facilities for all establishments, having multiple tenancy of a single or several large common structures, and otherwise present the appearance of one continuous commercial area.

**Short-Term Rental** means the provision of a dwelling unit, a guest room or accommodation space within the dwelling unit, or any accessory building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.

**Sidewalk Sign** means a sign not affixed to a building, structure, vehicle, or the ground. This includes, but is not limited to, A-frame signs, otherwise known as sandwich boards and chalkboard signs. Sidewalk signs do not include a flag or banner.

**Sign Area** see Subsec. 10-1-17.a, *Measurements*.

**Sign Face** means the area or surface which displays the intended communicated information.

**Sign Height** see Subsec. 10-1-17.a, *Measurements*..

**Sign** means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, figure, or character) visible to and designed to communicate information to persons in a public area or inside structures.

**Site Plan** means refer to article D for site plan review.

**Small Cell Facility** means a wireless telecommunications facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**Social Service** means a use category containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use category include: Correctional facility, not owned or operated by the government; Domestic violence, homeless, or youth shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Soup kitchen; and other uses meeting the definition of Social Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Class rooms; Day care for children of employees or clients; Food preparation and dining facility; Library; Meeting space; Minor utilities; and Recreation facility.



**Solar Array** means a principal or accessory use that converts sunlight into electricity. A solar arrays that generates electricity for on-site use only is an accessory use. A solar array that generates electricity for off-site use is a principal uses. A solar array may be mounted on the ground or on a structure.

**Special Flood Hazard Area** means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 10-3-168 of this article.

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

**Specified Sexual Activities** means (1) Human genitals in a state of sexual stimulation or arousal. (2) Acts of human masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse or sodomy. (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Start of Construction** means for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L.—97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition; placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Steep Slopes** means natural slopes prior to land disturbance or construction that exceed 15 percent. Such slopes are measured as the rise in elevation over the horizontal distance.

**Story** means excluding basements, a portion of a building for living between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

**Street Frontage** means the width of the lot measured along the line parallel to the street in which the lot is addressed. On corner lots with a curve connecting the intersecting streets, frontage shall be measured along the extended tangent to the point of intersection of the two streets.

**Street** means a public thoroughfare which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley which is designated or dedicated for public use.

**Structural Alteration** means any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, joists, rafters, or girders.

**Structure** means anything constructed or erected, including a heating, ventilation, and air conditioning unit, the use of which requires location on the premises or which is attached to something having location on the premises. For floodplain management purposes, this term additionally includes a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

**Subdivider** means the person, firm, association, organization, or corporation which holds legal title to land and subdivides it.



**Subdivision** means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, any of which are less than five acres in area for the purpose, whether immediate or future, of sale or of building development. (1) Division of land for agricultural purposes not involving the establishment of a new street or access easement shall be exempt from these regulations. (2) Industrial property shall be developed within the framework of this chapter. (3) The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the state inventory of historic places must be obtained from the Secretary of the Interior or the state historic preservation officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

**Support Structure** means with regard to wireless telecommunications, any structure that may support a wireless telecommunications facility including but not limited to telecommunications towers, alternative support structures, and structures that may be attached to or on top of buildings and other structures.

## T

**Telecommunications** means any transmission, emission or reception of signs, signals, sounds, voice, text, images, video, data, information or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**Telecommunications Tower** means any structure, except concealed wireless telecommunications facilities, designed, constructed, erected, repurposed or re-used for the sole or primary purpose of providing and supporting wireless telecommunications services. Such structures include but are not limited to guyed structures, monopole structures, lattice-type structures, and other freestanding self-supporting structures as well as decommissioned water towers and tanks, feed mills, utility towers, towers erected primarily for the use of the Harrisonburg-Rockingham Emergency Communications Center, and other decommissioned structures that were erected primarily for something other than providing and supporting wireless telecommunications services.

**Temporary Construction or Field Sales Office** means a building or structure that is temporarily placed to aid in the process of managing a construction project.



**Temporary Use** means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

**Temporary Vendor** means a use in which a person or persons sell retail goods for the purpose of purchase by consumers, whether immediately or by placing of orders for a limited duration of time.

**Temporary Wireless Telecommunications Facility** means a readily movable self-contained wireless telecommunications facility used to provide provisional wireless telecommunications services. An example is a cell on wheels (COW).

**Traffic Control Device** means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

**Training Facility or Vocational School** means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology and similar types of instruction.

## U

**Unoccupied** means a structure that is not in use as a residence, place of business, or other permitted use. In the case of a multi-unit structure, unoccupied means that all units are not in use by unauthorized persons or businesses.

**Utilities** means a use category containing major or minor infrastructure that serves a site, a development, or the City at-large. Major Utilities include infrastructure serving the general community, that may or may not be regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include infrastructure serving a limited area with no on-site personnel. Utilities do not include Government Facilities operated by the City of Harrisonburg.

Major Utilities include: Electrical substation; Electric or gas generation plant; Solar panel array (wall - or ground-mounted and greater than 850 square feet); Telephone exchange and transformer or substation; Water storage tank; Wireless telecommunications facility; and Water treatment plant and other uses meeting the definition of Major Utilities according to the Zoning Administrator.

Minor Utilities include: Pumping or regulator stations; Small cell facility; Solar panel array (roof-mounted of any size or ground-mounted 850 square feet or less); Stormwater retention or detention facility; Telecommunication antenna collocated on an existing structure; and other uses meeting the definition of Minor Utilities according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures.

## V

**Vacant** means a property on which there is situated no structures.

**Variance** means a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the Zoning Ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.





**Vehicle Fuel Station** means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any vehicle fuels (including fossil fuels and electricity), oils, or accessories.

**Vehicle Repair, Major** means premises where mechanical, bodywork, painting, or other similar work is performed on vehicles. This term does not include vehicle salvage, storage of inoperable vehicles, or storage or sale of junk.

**Vehicle Service, Minor** means the replacement or repair of any vehicle part that does not require removal of the engine, transmission, or differential. Examples include tire changing and repair, scratch and dent repair, upholstery, brake work, and oil changes. This term does not include vehicle salvage or storage or sale of junk.

**Vehicle Service and Repair** means any building, structure, premises, enclosure, or other on-site facilities where the business of doing repair and service work on or for automobiles, auto trucks, motorcycles, or any of the component parts thereof. Activities may also include polishing, washing, greasing, painting, or refinishing of such vehicles. This term does not include vehicle salvage or storage or sale of junk.

**Vehicle Sales and Service** a use category containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles. This category use excludes the storage, sale, and repair of salvage vehicles.

Uses in this use category include: Car wash; Heavy vehicular equipment sales, service, and repair; Rental or sales of manufactured homes, mobile homes, portable buildings, or trailers; Truck stop; Personal vehicle repair; Vehicle service; Vehicle fuel station; Vehicle sales, rental, and leasing; and other uses meeting the definition of Vehicle Sales and Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Car wash; Concession; Food preparation and dining area; Fueling facility; Minor utilities; Sale of auto parts; and Towing.

**Vehicle Sales** means an establishment engaged in the display, sale, leasing, rental, or repair of vehicles less than 12,000 pounds gross vehicular weight and can include accessory service or repair of any vehicle. Such use may include the storage of inoperable vehicles for a period not to exceed 90 days.

**Vehicle, Inoperable** means any vehicle not capable of being used on public streets or roads and/or on which a state inspection and/or license is not displayed or has expired for more than 30 days.

**Veterinary Clinic and Hospital** means a facility for the diagnosis, treatment, or hospitalization of domestic animals, large or small, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition. This use does not include Animal Boarding and Dog Kennel.

**Violation** means the failure of a use, structure, or other development to be fully compliant with Chapter 1, 2, or 3 of this Title. For floodplain management purposes, a use, structure, or other development without the elevation certificate, other certifications, or other evidence of compliance required in the community's floodplain management regulations is presumed to be in violation until such time as that documentation is provided.

## W

**Wall Sign** means any sign attached to, painted upon, and erected parallel to the face of the outside wall of a building and supported by such wall or building. Canopy, marquee, and awning signs shall be wall signs.

**Warehousing and Freight Movement** means a use category containing establishments involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.



Uses in this use category include: Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, and other retail and wholesale consumer goods sold in person or online; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage; and other uses meeting the definition of Warehousing and Storage according to the Administrator.

Typical accessory uses include: Associated office and storage; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Outdoor storage yard; Recreation facility; and Single attached residential unit for caretaker.

**Waste-Related Service** means a use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use category include: Composting facility; Recycling facility; Tire recycling or retreading; and other uses meeting the definition of Waste-Related Use according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Fleet maintenance; Fueling facility; and Repackaging and shipment of byproducts.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wholesale Trade** means a use category containing establishments involved in the wholesale sale, lease, or rent of products. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include: Contractor equipment sales and storage yard; Fuel sales, wholesale; Mail-order business; Sale or rental of machinery, equipment, heavy equipment, building materials (including lumber, pipes, or brick), special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; Wholesale or auction of food, clothing, auto parts, or hardware; and other uses meeting the definition of Wholesale Trade according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Medical clinic for employees; Meeting space; Minor fabrication; Minor utilities; Product repair; Repackaging of goods; and Single residential unit for caretaker.

**Wireless Telecommunications Facility** means any unmanned facility established for the purpose of providing wireless telecommunications services. Such facilities can consist of one or more antennas and accessory equipment, equipment cabinets, telecommunications towers, concealed wireless telecommunications facilities, distributed antenna systems, industrial microcells, base stations, small cell facilities, or any combinations thereof. This definition does not apply to equipment for radio or television studios, facilities designed for amateur radio use, or for residential or household uses (i.e. consumer microcells, etc.).

**Wrecking, Junk, or Salvage Yard** means any place where damaged, inoperable, or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled, or handled.

## Y

**Yard** means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.



## Z

**Zoning Administrator** means see "Administrator."

**Zoning District** means see "District."