

## ARTICLE 2. - DEFINITIONS

### Sec. 18-4. - Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows. The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "structure" includes the word "building"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not discretionary.

*Accessory building* means a subordinate building or a portion of the main building, the use of which is incidental to that of the principal use of the main building.

*Adult bookstore* means an establishment having as a substantial and significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment trading in such books, magazines, and other periodicals which limits its customers to persons over 18 years of age. For the purpose of this definition:

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

*Adult mini-motion picture theater* means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, or an establishment used for presenting such materials which limits its customers to persons over 18 years of age. For the purpose of this definition:

- (a) The term "specified sexual activities" means:
  - 1. Human genitals in a state of sexual stimulation or arousal;
  - 2. Acts of human masturbation, sexual intercourse or sodomy;
  - 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and
- (b) The term "specified anatomical areas" means:
  - 1. Less than completely and opaquely covered:
    - (a) Human genitals, pubic region;
    - (b) Buttock; and
    - (c) Female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Adult-oriented motion pictures, videotapes, discs, cassettes, or photographs* means any motion picture, slide, videotape, cassette, or disc, or photographs of any type distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for adult bookstores or adult mini-motion picture theaters.

*Aggregate caliper inches* means a measure of the total combined caliper inches for a group of trees.

*Alley* means a minor public street which is used primarily for vehicular service access to the back or the side of properties having principal frontage on another street.

*Alternative parking plan* means a plan proposed by an applicant as part of a rezoning to the MAC Zone that seeks to provide a reduced amount of off-street parking or deviate from the district's off-street parking location or configuration requirements based on site conditions or anticipated parking demand.

*Amusement enterprise* means any commercial establishment having or offering for public patronage or operation one or more mechanical or electronic amusement devices, regardless of whether the offering of such devices constitutes the primary use of such establishment or an accessory use.

*Architectural front* means the façade of a building designed to serve as the primary entrance to the building, distinguished from the other facades by more elaborate architectural detail. The architectural front entry is not determined upon custom or use but rather upon the exterior and interior design of the building.

*Assessed value* means value of the property as determined by the Fairfax County Tax Assessor.

*Assisted living facility* means a facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, health care, and (c) assistance with moderate activities of daily living. This term shall not include group homes or congregate living facilities.

*Apartment hotel* means a building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

*Automobile graveyard* means any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

*Basement* means a portion of a building, partly underground, which has more than one-half its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six feet or more above the average grade.

*Bay* means a row of parking spaces in a parking lot.

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

*Bicycle parking space* means a structure or facility used specifically for the storage of a bicycle so that it can be secured, including, but not limited to, bicycle racks, lockers and cages. For the purpose of this definition, a rack shall be considered two bicycle parking spaces. Long-term bicycle parking spaces shall be located in sheltered or weather-protected area.

*Billboard* means any structure used as an outdoor display for the purpose of making anything known about something not attached to or which is remote from said display.

*Bio-retention device* means a stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil.

*Blighted property* means any buildings or improvements or combination thereof which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

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

*Building height* means the maximum vertical dimension measured from the average finished lot grade at the front wall of the principal building to the highest point of the roof. For accessory buildings, the height shall be measured from the lowest point of grade elevation adjacent to any wall of the structure to the highest point of the roof.

*Building line* means a line parallel to the street which establishes the minimum horizontal distance between the lot line and the nearest part thereto of any permitted building.

*Building mass* means the visual form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments.

*Canopy* means a permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

*Canopy tree (shade or large tree)* means a tree that has an expected height at maturity greater than 30 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

*Cardinal direction* means one of the four principal directions on a compass; that is, north, south, east, or west.

*Carport* means any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure (other than the side of the building to which the carport is contiguous) that is more than 18 inches in height, exclusive of screens.

*Clear zone* means a portion of a public sidewalk or trail that is maintained free of street furniture, plantings, or other structures that is intended for the clear movement of pedestrians.

*Commercial group building development* means a series of attached commercial units developed in groups or clusters and separated from one another by continuous vertical party walls without openings from basement to roof and having diversified architectural facades, roofs and treatment of materials, and all sharing in common immediately adjoining off-street parking and other common facilities and elements required by this chapter, whether developed pursuant to the Horizontal Property Act of the commonwealth or not.

*Commercial parking lot* means a surface parking lot established to provide off-street parking to private vehicles for a fee.

*Commercial vehicle* means a vehicle maintained or operated by a commercial establishment that is often parked or stored on the same lot as the commercial establishment.

*Compact development* means development that is often characterized by mixed uses of land, a variety of different housing types, smaller lots with buildings in close proximity to one another, elevated densities or intensities, and an emphasis on alternative modes of transportation that allows residents and visitors to work, shop, and recreate with decreased reliance on automobiles

*Cornice* means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

*Cost* refers to cost of development.

*Court* means an open, unoccupied space, other than a yard on the same lot with a building or group of buildings, and which is bounded on two sides by such building or buildings.

*Cupola* means a domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

*Curb grade* means the elevation of the established curb in front of the building measured at the center of such front.

*Customer utility service* means all of those wires, conduits, pipes, cables and appurtenant equipment located between the pole and the wall of the building occupied by a customer in the case of an electric power, telephone, telegraph or cable television system; and all of those conduits, pipes, and appurtenant equipment located between the street main and the wall of the building occupied by a customer in the case of a gas, water, steam, petroleum or sewer system.

*Deck* means a floor area extending from the outside wall of a building above ground level, whether or not its supports rest on the ground, and not sheltered by a roof or enclosed by other than a protective railing on those sides other than the side adjacent to the building wall.

*Deferred parking* means a condition on a development site where the development is constructed and operated for an initial term (usually around 12 months) without providing 100 percent of the required off-street parking. Land area is reserved for the provision of additional parking, and a study is prepared after the initial term to determine if the additional parking is needed.

*Destination retail* means a retail sales establishment that attracts customers not because of its location, but rather because of the range of unique products or services provided, the shopping experience, or other attributes.

*Detention basin* means a low lying area that is designed to temporarily hold a set amount of water while slowly draining it to surrounding soil or to another location.

*Drive aisle* means a vehicular accessway within a parking lot or parking structure.

*Drive-through facility* means, except as provided below, any facility where goods are sold or services provided to a person riding on or seated within a motor vehicle; or where services or inspections are performed on motor vehicles that stand or wait in line immediately prior to the service being performed. Drive-through facilities include, but are not limited to, uses such as car washes, motor vehicle lubrication and oil change facilities, and motor vehicle inspection stations as well as facilities, such as financial institutions, dry cleaners and restaurants, with one or more drive-through windows. Uses excepted from this definition include:

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

*Dwelling* means a building designed or used as the living quarters for one or more families (or family equivalent).

*Dwelling unit* means one or more rooms in a dwelling providing complete living facilities for one family (or family equivalent), including cooking facilities.

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

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

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

*Dwelling, row*, means one of a series of three or more attached one-family dwellings of substantially similar appearance separated from one another by a single partition wall without opening extended from basement to roof.

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

*Elevation, architectural* means a scaled drawing of the side, front, or rear of a structure intended to illustrate how the building will look or function.

*Enclosure.*

- (1) *Total enclosure (wholly, completely, or fully)* means complete coverage with roof, opaque walls, and/or walls of glass, plastic, fiberglass and/or similar solid type building material.
- (2) *Partial enclosure* means walls or fencing of opaque character and/or walls of glass, fiberglass, and/or similar solid type building material, with or without a roof, which does not enclose an area.
- (3) *Open enclosure* means enclosure of an area with fencing or other material which generally does not restrict view, but which prevents entry to an area.

*Entablature* means the portion of a building located between the columns and the eaves, often comprised of an architrave, frieze, and a cornice.

*Façade* means the entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.

*Face of curb* means the portion of a curb closest to the gutter or street paving.

*Family* means one or more persons related by blood or marriage occupying a single housekeeping unit and using common cooking facilities; where such persons are related by blood or marriage, not more than two boarders or lodgers shall be permitted.

*Family equivalent* means two or more individuals not related by blood or marriage, not exceeding four persons.

*Finished lot grade* means the finished surface of ground abutting a building or structure. The finished lot grade may deviate from the pre-existing lot grade by no more than three vertical feet at any point along the pre-existing lot grade around the footprint of the building or structure. The Director of Public Works may waive the three foot lot deviation requirement, if deemed to be for good cause and not contrary to the public interest., for the purposes of measuring building heights under this chapter, shall be:

~~1. a. In general: For any principal building, the finished lot grade is the pre-existing lot grade, calculated as the mid-point between the highest and lowest elevation points along the front setback line.~~

~~1. b. Exception for single family dwellings: For a Single family dwelling, the finished lot grade may deviate from the pre-existing lot grade by no more than three vertical feet at any point along the pre-existing lot grade.~~

~~2. For an accessory building: The lowest point of elevation adjacent to any wall of the structure.~~

*Footcandle* means the amount of light that falls onto a surface as emitted by an exterior lighting device.

*Front building wall* means the portion of a building that is closest to the sidewalk.

*Green roof* means a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

*Guest house* means living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the principal building and not rented or otherwise used as a separate dwelling.

*Guest room* means a room which is designed or intended for occupancy by one or more guests but in which no provision is made for cooking and not including dormitories for sleeping purposes only.

*Home occupation* means any accessory use of a dwelling unit in addition to occupancy. (See section 18-173 for supplemental regulations.) A boardinghouse, tourist home, or real estate office shall not be deemed a home occupation.

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

*Human-scale design* means features of a building or built environment that are sized and configured in accordance with the typical human frame. Human-scale details and features are most often configured for observation and recognition by people who are walking or using some alternative forms of transportation.

*Impervious surface* means buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

*Independent living facility* means a residential development that is limited to occupancy by elderly persons and/or by persons with handicaps, as defined in the Federal Fair Housing Amendments Act of 1988. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal emergency response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches.

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

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

*Landscape strip* means an area which includes plantings of grass, ornamental shrubs, trees or other ornamental ground cover that is intended to provide a visual separation between different uses, including, but not limited to, parking areas, buildings and sidewalks.

*Landscaping* means the planting of grass, ornamental shrubs, trees or other ornamental ground cover.

*Landscaping island* means an area of pervious surface within an off-street parking lot that is intended for the placement of vegetation or stormwater run-off management devices. An "island" shall refer to either a single loaded parking bay island at minimum of 180 square feet or a double loaded parking bay island at 360 square feet.

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

*Lot* means land occupied or to be occupied by a building or unit group of buildings and accessory buildings together with such yards and area as required by this chapter and having its principal frontage upon a public street, or upon a pedestrian right-of-way in a townhouse development.

*Lot, corner*, means a lot situated at the intersection of two or more streets, having an angle of intersection of not more than 135 degrees.

*Lot, front of*, means that side of a lot which fronts on a street. In case of a corner lot, the shortest side fronting on a street shall be considered to be the front of the lot, except when the zoning administrator determines for reasons of safety or continuity that the front should be on the long side, then this shall be considered the front. When sides fronting on the street are of equal lengths, the lot shall be considered to front on that street having the greater total of front footage of lots within the same block; provided, however, that where the board of zoning appeals has specifically designated the front of the lot in accordance with section 18-254.1, such designation shall thereafter prevail. The architectural front of the house shall be on the same side as the determined front of the lot.

*Lot, interior*, means a lot other than a corner lot.

*Lot, through*, means a lot, other than a corner lot, having frontage on two streets.

*Lot area* means the total horizontal area within the boundary lines of a lot. Except as herein provided, no alley, public way, public land or area proposed for future street purposes shall be included within the area of a lot.

*Lot depth* means the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

*Lot lines* means the lines bounding a lot.

*Lot midline* means that line which is one-half the mean horizontal distance between the front and rear lot lines.

*Lot width* means the horizontal distance between the side lot lines, as measured along a line parallel with the front street line.

*Manufactured home* means a structure subject to federal regulation, 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 the purpose of these provisions, a mobile home, as defined in the Council of American Building Officials, chapter 2, Building Definitions, section 202, shall be considered a manufactured home.

*Manufactured home, public use*, means a manufactured home used by public safety personnel and dedicated to public safety uses.

*Marquee* means a permanent roof-like structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk or walkway.

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

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

*Mechanical or electronic amusement device* means any machine or device which upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game,

entertainment or amusement through the manipulation of the device whereby a score is established, the object of which is to secure a special number of numbers or a high total score. It shall include, but not be limited to, such devices as video games, marble machines, pinball machines, skillball, football, baseball, target shooting and all games, operations, or transactions similar thereto under whatever name indicated whether operated mechanically or electrically or through a combination thereof.

*Mezzanine* means an intermediate, habitable level of space located between two floors and partially open to the floor below.

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

*Motel* means a building or portion thereof, or a group of buildings of similar design which provides sleeping accommodations in 20 or more separate units or rooms, each such unit or room to be separated from the other with permanent masonry walls and each such individual unit to provide direct access to a common corridor, or area, and to include private bath and/or shower, water closet and washbasin facilities. A motel shall not be deemed to include any establishment which provides residential living accommodations on a more or less permanent basis such as an apartment hotel. No more than 20 percent of all units may be constructed with cooking facilities.

*Motor bus* means any motor-driven vehicle other than a private family passenger automobile, whether publicly owned or privately owned, which is designed to carry passengers and is operated for hire or compensation in the carrying of passengers either according to a fixed route, by schedule, or for charter; or used for transporting children to or from public and/or private schools.

*Multi-modal transportation impact analysis* means the study of development-related existing, and future conditions of travel demand and supply to include analysis of vehicular, pedestrian and bicycle traffic, transit, and parking in a defined study surrounding the proposed development site.

*Nonconforming building* means any building or structure lawfully existing prior to the adoption of the ordinance from which this chapter is derived which does not conform to the area, bulk, yard, density, or off-street parking regulations of this chapter for the zone in which it is located.

*Nonconforming use* means a use which lawfully occupied a building, structure, or land prior to the adoption of the ordinance from which this chapter is derived which does not conform to the use regulations of this chapter for the zone in which it is located.

*Off-site parking* means off-street parking that serves a particular use without being on the same lot of the use it serves.

*Open space* means land and/or water area which has been specifically designed or set aside for conservation, place-making or recreational purposes.

*Parcel* means any tract of land, capable of subdivision into lots under this chapter.

*Parking area, private*, means an open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

*Parking area, public or customer*, means an open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

*Parking lot cross-access* means vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

*Parking shuttle* means, typically a bus or other vehicle that provides patrons free, regularly-scheduled service between a parking area and the building or use served by that parking.

*Parking space, automobile*, means space within a building or a private or public parking area for the parking of one automobile.

*Patio* means a surfaced, court-like area at ground level outside the main wall of a building, which area is not sheltered by a roof.

*Pedestrian pathway* means interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

*Pedestrian-oriented (pedestrian-friendly)* means development forms that are sized, spaced, and configured to allow easy physical and visual access by persons travelling on foot.

*Photovoltaic panel* means a collection device that converts radiant energy from the sun into electricity.

*Planning commission* means the planning commission of the Town of Vienna, Virginia, the members of which shall be appointed for terms of two years or to fill the unexpired term of a vacant seat on the commission, and shall exercise all powers conferred upon it by the Code of Virginia and the Town Charter.

*Porch* means an open or enclosed area outside an exterior wall of a building and covered by a roof which may be attached to a side wall or common with the main roof of the building and is used for purposes other than the sheltering of motor vehicles.

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

*Portico* means a porch or walkway with a roof supported by columns, often leading to the entrance of a building.

*Pre-existing grade* means the elevation of the lot that exists prior to the issuance of any grading, demolition, or building permit, or any other activities associated with the removal or rebuilding of the existing principal structure.

*Primary entrance* means the place of ingress and egress to a building, parcel, or development used most frequently by the public.

*Principal building* means a building in which is conducted the main or principal use of the lot on which said building is located.

*Principal street*, in the case where two existing streets are in question, is that street having the heavier volume of traffic as determined by the chief of police. The planning commission shall make this determination in the case of a proposed street.

*Private garage* means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles by the occupants of the premises, and in which no business, occupation, or service for profit is in any way conducted. No commercial vehicle except one of not more than one-half-ton capacity which belongs to, or is in the care and custody of the occupants of the premises shall be parked, or stored, temporarily or otherwise, in a private garage.

*Public* means any land use, property, or structure owned by a political subdivision and dedicated to public use.

*Public art* means work in any media that have been planned and implemented with the specific intention of being sited, staged or viewed in publicly-accessible spaces.

*Public engagement plan* means a plan that establishes the principles, processes and milestones for public engagement related to a development proposal to address the needs of community stakeholders and to engage people in the decision making process.

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

*Rain garden* means a planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be collected in a single location and absorbed.

*Recreational use* means of or relating to relaxation by the physical participation of persons in activities of a sporting or quasi-sporting nature usually conducted in, on or about track, court, field, or pool-like areas or field houses as distinguished from those types of recreation provided through exhibits or theatrical functions or by amusement enterprises as they are otherwise defined in this Code.

*Recycling station* means a space or container allocated for collecting and loading of recyclable material that can physically comply with expected collection of a building's use.

*Remodeling* means a change in the structure or layout of an existing building or space.

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

*Restaurant, carry-out*, means any establishment, other than a drive-in restaurant, at which prepared food, beverages or refreshments are sold primarily for consumption off the premises.

*Restaurant, drive-in*, means any structure or establishment merchandising or dispensing food, beverage, or refreshments at which the customer is served either:

- (a) While sitting in a motor vehicle; or
- (b) At an interior or exterior sales window, counter or serving area, and at which the food, beverage or refreshments are sold for consumption either inside the said structure or in motor vehicles on the premises but outside the said structure.

*Retention pond* means a pond or depression designed to hold a specific amount of stormwater run-off indefinitely.

*Roof rake* means the vertical face of the sloping end of a roof eave.

*Semi-public* means any nonprofit land use, property, or structure of an institutional or civic nature including community buildings not owned and/or operated by a public agency.

*Setback plane* means an imaginary line that starts at the side or rear lot line and travels upward and inward at a constant angle. The setback plane preserves light and air between buildings by forcing the upper stories to step back from the lot line.

*Shared parking* means a parking management strategy in which parking spaces are shared by more than one user, and which allows parking facilities to be used more efficiently. Shared parking recognizes that parking spaces are only used during certain times by particular uses in schedules that follow predictable patterns.

*Shopping center* means a group of not less than four contiguous retail stores or a building of contiguous retail stores having a total ground floor building area of not less than 10,000 square feet, with immediately adjoining off-street parking facilities as required by this chapter.

*Sight triangle* means the theoretical triangle at an intersection which must be clear from obstructions to allow clear views between vehicle and/or pedestrians.

*Sign* means any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street. This definition shall not include temporary merchandise signs displayed inside of a building.

*Sill* means a shelf or slab of stone, wood, or metal at the foot of a window or doorway.

*Single-loaded bay* means a single row of off-street parking spaces and the associated accessway used to access them.

*Stoop* means a small staircase typically, but not necessarily, constructed of concrete and/or masonry, ending in a platform, and utilized primarily as an access to a building.

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor directly above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

*Street* means a public thoroughfare which affords the principal means of access to abutting property.

*Street line* means a dividing line between a lot, tract, or parcel of land and a contiguous street.

*Street width* means the total width of the strip of land dedicated or reserved for public travel including roadways, curbs, gutters, sidewalks and planting strips.

*Structural alterations* means any change in supporting members of a building such as bearing walls or partition columns, beams or girders or any substantial change in the roof or the exterior walls.

*Structure* means anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, but not limited to, patios and decks. Tents used exclusively for recreational or camping purposes, and customary garden accessories such as fences, trellises, grapevine supports, etc., are not included in this definition. The provisions of this definition relating to patios and decks shall not apply to chapter 6, article 6 of this Code. Additionally, patios and decks shall not be considered structures for the purpose of architectural review in any residential zone.

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

*Tent* means any enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by the contents it protects.

*Terrace* means a surfaced, court-like area outside the main wall of a building, raised above the adjoining ground either by earth with sloping sides or an independent foundation.

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

*Trailer* means any vehicle or structure that:

- (a) Is designed and constructed in such a manner as will permit:
  - (i) Occupancy thereof as sleeping quarters for one or more persons; or
  - (ii) The conduct of any business or profession, occupation or trade (or use as a selling or advertising device), including public purposes that may be allowed by this chapter; and
- (b) Is or may be mounted on wheels and transported on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

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

*Transportation demand management* means the application of strategies and policies to reduce travel demand of single-occupancy private vehicles, or to redistribute this demand in space or in time.

*Tree canopy or tree cover* means all areas of coverage by plant material exceeding five feet in height.

*Understory tree* means a tree that has an expected height at maturity of no greater than 30 feet.

*Unit* means one building in a series of attached commercial units located in a commercial group building development.

*Unit group building* means two or more buildings (other than dwellings) grouped upon a lot and held under a single ownership, such as universities, hospitals and institutions.

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

*Variance* means, in the application of a zoning ordinance, 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 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 ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

*Vehicular use area* means the portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

*Video arcade* means any commercial establishment having or offering for public patronage or operation one or more electronic or electric video games, television-like game devices, or mechanical or electronic amusement devices of any kind.

*Visually permeable* means a building material that allows light or vision to pass through it.

*Window wall* means an exterior building wall comprised of glass that occupies the majority of one or more building stories.

*Xeriscape* means a style of landscape design and type of vegetation requiring little or no irrigation or other maintenance.

*Yard* means an open space, other than a court, on the same lot with a principal building or group of principal buildings, which open space lies between the building or outer building of a group and the nearest lot or street line.

*Yard, front*, means a yard extending across the full width of the lot, between the nearest principal building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the principal building to the nearest point of the front line.

*Yard, rear*, means a yard extending across the full width of the lot, between the nearest rear principal building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the principal building to the nearest part of the rear lot line.

*Yard, side*, means a yard between a principal building and the side lot line, extending from the front yard, or front lot line, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side line toward the nearest part of the principal building.

*Zoning administrator* means the Town official designated by the Town Council to administer this chapter.

*Zoning map* means the official zoning map for the Town, together with all amendments thereto.

(Code 1969, § 18-4; Ord. of 1-1967; Ord. of 1-1969; Ord. of 4-1969; Ord. of 8-1970; Ord. of 2-1971; Ord. of 12-6-1971; Ord. of 10-16-1972; Ord. of 4-22-1974; Ord. of 6-9-1975; Ord. of 6-6-1977; Ord. of 4-7-1980; Ord. of 4-20-1981; Ord. of 6-15-1981; Ord. of 7-20-1981; Ord. of 3-15-1982; Ord. of 11-1-1982; Ord. of 2-3-1983; Ord. of 4-4-1983; Ord. of 4-17-1989; Ord. of 9-25-1989; Ord. of 11-8-1994; Ord. of 7-10-1995; Ord. of 1-6-1997; Ord. of 4-5-1999; Ord. of 10-7-2002; Ord. of 6-2-2003; Ord. of 1-24-2005; Ord. of 3-2005; Ord. of 5-2009; [Ord. of 3-11-2011](#); Ord. of 4-4-2011(1); [Ord. of 10-20-2014](#); [Ord. of 8-24-2015](#), § 1; [Ord. of 9-11-2017](#); [Ord. of 12-11-2017\(1\)](#).)