

## **SECTION 10-3-111. Definitions**

**Accessory Building or Structure:** A building or structure that is incidental to and in connection with a principal building, structure, or use.

**Accessory Use:** An activity or purpose that is incidental to and in connection with a principal use.

**Adult Business:** Any of the following:

- A. An adult store;
- B. An adult motion picture theater;
- C. Any business that provides adult entertainment; or
- D. Any other establishment that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas, or that is intended for the sexual stimulation or titillation of patrons.

**Adult Day Support Center:** A nonresidential facility offering structured activities, training programs, supportive services, and personal care during part of a 24-hour day to adults.

**Adult Entertainment:** Either of the following:

- A. Dancing, modeling, or other live performance, if the performance emphasizes specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons; or
- B. The showing of films, motion pictures, videotapes, slides, photographic reproductions, virtual reality devices, files transmitted over the internet, or other media that emphasize matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or that are intended for the sexual stimulation or titillation of patrons.

**Adult Merchandise:** Any of the following:

- A. Magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that emphasize matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or that are intended for the sexual stimulation or titillation of patrons;

- B. Toys, novelties, instruments, or devices designed or marketed as representations of human genital organs or the female breast, or designed or marketed primarily for use to stimulate human genital organs; or
- C. Lingerie or leather goods marketed or presented in a context suggesting use for sadomasochistic practices.

**Adult Motion Picture Theater:** An enclosed building used to present materials to patrons, where the material emphasizes matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Adult Store:** An establishment that has adult merchandise as a substantial or significant portion of its stock-in-trade.

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

**All-Weather Surface:** An improved surface that is constructed of concrete, asphalt, uni-stone pavers, or other paving materials approved by the City Engineer.

**Alley:** An accessway less than 30 feet in width that provides secondary access to the side or rear of a property.

**Animal Kenneling and Training:** An establishment that, for a fee, provides one or both of the following: (a) shelter, feeding, and care for companion animals not owned by the proprietor; or (b) training instruction for companion animals, regardless of whether the animal is boarded overnight. This use includes dog day care centers.

**Animal Shelter:** A facility that is used to house or contain animals and that is operated for the purpose of finding adoptive homes for those animals. These facilities primarily serve companion animals, but may include limited space for livestock.

**Apartment or Apartment Building:** A building containing 3 or more dwelling units located on a single lot.

**Assisted Living Facility:**

**Bee Colony:** A beehive and its equipment and appurtenances, including bees, combs, and honey.

**Bicycle Parking Space:** An area designed for the parking of a bicycle, including any associated device used to secure the bicycle.

**Block:** The property abutting 1 side of a street and lying between the 2 nearest intersecting streets. A block may contain an alley.

**Boarding or Rooming House:** A group living use for more occupants who do not meet the definition of family than otherwise allowed by this Ordinance. Occupants may share sanitary facilities. Occupants must share a common cooking facility, and individual cooking facilities are prohibited. Tenancy is provided on at least a month-to-month basis.

**Brewery, Distillery, or Winery:** A facility for the production of alcoholic beverages for distribution, retail, or wholesale, whether on- or off-premises.

**Building:** A structure, whether portable or fixed, having 1 or more stories, vertical surfaces, and a roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

**Building and Materials Supplier:** An establishment that supplies or stores materials, goods, and equipment used in the construction or repair of buildings or infrastructure off-site. This use includes general hardware and home improvement stores, and may include accessory retail and office uses for the operation of an associated contracting business.

**Car Wash:** An establishment engaged in the commercial washing, cleaning, and detailing of motor vehicles. This use may occur by hand or through automated or manual systems.

**Catering and Delivery-Only Kitchen:** An establishment whose primary business is to prepare food on-site that is designed for consumption off-premises, and which may include transporting and serving the food off-premises.

**Cemetery:** A place where lots or niches are sold for the burial or interment of human or animal remains. A cemetery may include administrative offices, maintenance buildings, and storage structures.

**Child Day Care Center:** An establishment that supervises, protects, and is responsible for the wellbeing of children for less than a 24-hour period, in a facility that is not the residence of the provider or any of the children. This use includes nursery schools and kindergartens.

**College or University:** An institution of higher education that offers post-secondary academic instruction leading to associate, bachelor's, graduate, or professional degrees. This use includes instructional buildings, administrative offices, research facilities, student housing, dining facilities, athletic facilities, and other customary campus uses. This definition includes satellite campuses and branch locations. This definition does not include a Training Facility or Vocational School that offers instruction primarily in technical or trade skills.

**Columbarium:** An structure for the inurnment of cremated remains. This use may include associated walkways, seating areas, and landscaping.

**Commercial Recreation, Indoor:** An indoor facility for paid recreational activities. Sale and consumption of food and beverages may occur but is not the primary use. This use includes movie theaters, bowling alleys, indoor skating facilities, amusement arcades, indoor shooting and archery ranges, tennis and similar courts, and recreational crafting activities.

**Commercial Recreation, Outdoor:** A facility for active or passive recreation where activities take place predominantly outdoors. This use includes outdoor swimming pools, athletic fields or courts, and golf driving ranges when not associated with a Golf Course. This use does not include a Golf Course.

**Community Amenity:** An indoor or outdoor area, facility, or spaces designed principally for the exclusive use, convenience, and enjoyment of residents of a development. This use is typically owned and maintained by a property owners' association or management entity, and includes clubhouses, recreational courts, pools, laundry facilities, and leasing or management offices.

**Community Center:** A facility operated by a nonprofit corporation, fraternal organization, association, or group of people for social, educational, recreational, or service-oriented activities.

**Congregate Housing:** An establishment primarily engaged in providing any of the following services:

- A. Short term emergency shelter for victims of domestic violence, sexual assault, or child abuse;
- B. Temporary residential shelter for the homeless, runaway youths, and patients and families in medical crises; or
- C. Transitional housing for low-income individuals and families linked to supportive services.

**Contractor's Storage Yard or Service Shop:** An establishment used to store vehicles, equipment, and materials and to operate businesses engaged in construction, installation, repair, or maintenance activities, including landscaping or grounds maintenance. Services may include HVAC, electrical, flooring, painting, plumbing, roofing, tiling, and similar trades.

**Crematory:** A facility where human or animal bodies are incinerated and the ashes are collected for permanent burial, scattering, or storage in urns.

**Data Center:** A facility used for the storage, management, processing, and transmission of digital data. It may house computer servers, networking equipment, and related systems, and may include supporting infrastructure such as backup power, cooling systems, and utility connections. This use does not include small server rooms or information technology infrastructure that is accessory to a separate principal use.

**Development:** Any man-made change to improved or unimproved real estate, including the construction, reconstruction, alteration, or enlargement of any structure; any earthwork, grading, paving, or excavation; and any establishment or change of a land use.

**Development Site:** The entire land subject to a single approved Site Plan or Zoning Plan, including all lots, common areas, shared facilities, and private streets, regardless of internal lot lines.

**Distillery:** see “Brewery, Distillery, or Winery.”

**Drive Aisle:** A circulation route through a Parking Lot for vehicle traffic that provides access to Vehicle Parking Spaces and that may connect to a Driveway.

**Driveway:** A private vehicle access from a street or alley to the interior of a lot.

**Drive-Thru:** Any use that provides goods or services to occupants of a motor vehicle.

**Duplex:** A building containing 2 dwelling units on a single lot.

**Dwelling or Dwelling Unit:** A building or portion of a building that provides complete, independent, and permanent cooking, sanitation, and sleeping facilities. A Dwelling Unit must be designed and arranged so that no person is required to pass through another dwelling unit to access it. Each dwelling must be physically separated from any other dwellings that may be in the same building. Each dwelling unit must have direct access to the outside or to a common hallway, breezeway, or other shared access area.

**Dwelling, Apartment:** A dwelling within an apartment.

**Dwelling, Single-Family Attached:** 1 of 2 dwellings, each located on a separate lot and attached to the other by a shared wall.

**Dwelling, Single-Family Detached:** A building containing a single dwelling, located on a single lot, and entirely separated from any other dwelling by setbacks on all sides. This use includes a manufactured home, provided the manufactured home is placed on a permanent foundation, converted to real property pursuant to Virginia Code § 46.2-653.1, and issued a certificate of occupancy within 5 years of the date of manufacture listed on the home’s data plate.

**Dwelling, Townhouse:** 1 of a group of 3 to 8 contiguous and linearly arranged dwelling units, each on its own lot, and each of which abuts at least 1 other townhouse dwelling.

**Establishment:** A business, institution, place, or entity that operates or hosts a use, including any business, trade, or occupation. Establishment includes all buildings, structures, land, facilities, or equipment engaged in operating the use.

**Family:** A group of people living together consisting of one of the following:

- A. One or more persons related by blood or marriage and any number of natural children, foster children, stepchildren, adopted children, or children in kinship care;
- B. One or two persons with their dependent children, including natural children, foster children, stepchildren, adopted children, or children in kinship care, functioning as a single household;
- C. A recovery residence of no more than 8 adults and any number of dependent children of those adults; or
- D. Any residential facility identified in Code of Virginia Section 15.2-2291.

**Feed Mill:**

**Financial Institution:** An establishment where the primary occupation is financial services, such as banking, savings and loans, loan offices, check cashing, and currency exchange outlets.

**Funeral Home:** A building or part of a building used for funeral services, which may include embalming rooms, preparation areas, storage for caskets and urns, and storage for funeral vehicles. This use may include a columbarium but not a crematory.

**Gallery:** See “Museum or Gallery.”

**Golf Course:** An outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. This use may include a club house, driving range, putting greens, and shelters.

**Grocery Store:** A retail establishment primarily engaged in the sale of food and household goods for off-premises consumption. This use may include accessory uses such as a pharmacy, bakery, deli, or florist.

**Health and Exercise Facility:** An indoor facility where patrons participate in exercise or similar activities designed to improve or preserve physical fitness or athletic skills. Examples include health clubs, gyms, yoga studios, cycling classes, and martial arts

instruction. Accessory uses to serve members may include child care, retail sales, massage therapy, and personal service.

**Heavy Equipment or Specialized Vehicles:** Farm machinery or equipment; trucks that have more than 2 axles; buses and vans designed to transport more than 15 passengers; recreational vehicles, trailers, and boats; and manufactured homes.

**Heavy Equipment Yard:** An establishment primarily engaged in the sale, rental, or repair of heavy equipment or specialized vehicles. This use includes the sale of parts and equipment for over-the-road tractors, their trailers, and heavy equipment and specialized vehicles.

**Heliport:** see “Airport or Heliport.”

**Home Based-Business:** An economic activity, profession, or trade conducted by a resident of the dwelling. A Home-Based Business must be secondary to the residential use. All associated activity must take place entirely within a dwelling or accessory building, unless an outdoor component is expressly authorized for a specific defined use.

**Home-Based Child Care, Small:** a Home Based-Business providing compensated care for up to 4 children under the age of 13 who do not reside in the dwelling.

**Home-Based Child Care, Large:** a Home Based Business providing compensated care for 5 to 12 children under the age of 13 who do not reside in the dwelling.

**Homestay:** The provision of at least 1 lodging or overnight accommodation space within the principal building for transient occupancy of a maximum of 4 guests at any one time.

**Hospital:** A licensed and accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

**Hotel or Motel:** A facility offering lodging to the general public. Accessory uses may include restaurants, meeting rooms, conference facilities, personal services, and recreational facilities.

**Household Repair Service:** An establishment providing repair services for personal and household goods, including household appliances, computers, televisions, furniture, and leather goods. This use excludes maintenance and repair of vehicles.

**Improved Surface:** A surface improved for parking vehicles. May include gravel, stone, and all-weather surfaces.

**Inpatient Substance Use Disorder Treatment Facility:**

**Landscaping:** Living vegetation used to enhance or improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation.

**Landscaping Island:** A curbed or otherwise delineated area within a parking lot.

**Landscaping Median:** A curbed or otherwise delineated area within a parking lot.

**Loading Space:** An off-street area, space, or dock used for the loading or unloading of cargo, products, or materials.

**Lodging:** Any use intended for living and sleeping exclusively on a transient basis.

**Lodging Unit:** A room or connected group of rooms forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis. Each lodging unit must have its own bathroom and may contain dependent kitchen facilities.

**Lot:** A single recorded parcel, tract, or other area of land established by plat or other means as permitted by law and intended to be used, developed, or built upon.

**Manufacturing:** A facility for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, indoor and outdoor storage, and employee-caretaker's quarters.

**Meat Processing, General:** An establishment for the slaughter and processing of game or domestic animals, which may include temporary outdoor storage of animals and storage facilities for distribution of processed meat.

**Meat Processing, Poultry:** An establishment for the slaughter and processing of poultry or fowl, which may include temporary outdoor storage of poultry or fowl and storage facilities for distribution of processed poultry or fowl.

**Medical Office:** An establishment where patients are admitted for examination and treatment by individuals licensed by the Commonwealth to practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis.

**Micromanufacturing:** The indoor production and storage of artisan goods that are produced in small quantities using small hand tools or light machinery. Examples of this use include 3-D printing, candle making, coffee roasting, cosmetic production, jewelry manufacturing, and leathercrafting.

**Motel:** see "Hotel or Motel."

**Museum or Gallery:** An establishment that is open to the public and primarily used for the display or exhibition of art, objects, collections, artifacts, or other items of cultural, historical, scientific, or educational interest. Accessory uses may include gift shops, classrooms, meeting rooms, special events, and administrative offices.

**Nursing Home:**

**Outdoor Display and Sales:** means an unenclosed area where the primary purpose is for the retail display of merchandise.

**Outdoor Storage:** The holding or storage, in an unroofed area, of any goods, junk, materials, or merchandise for more than 24 hours.

**Parking Lot:** An open area, not within a public street right-of-way, that is designed, constructed, or used for the temporary or long-term parking or storage of motor vehicles. A Parking Lot includes all vehicle parking spaces, drive aisles, drive-thrus, loading spaces, maneuvering areas, and any associated paved or improved surfaces but excludes public streets, alleys, and areas used for outdoor display and sales.

**Personal Service:** An establishment primarily engaged in rendering frequent or recurrent services of a personal nature to individuals. Examples include barber shops and beauty salons, tattoo parlors, laundromats, laundry and drycleaning sites, photography studios, tailors, and shoe cleaning and repair.

**Pet Adoption:** An establishment where companion animals are bought, sold, exchanged, or offered for adoption.

**Pet Grooming:** An establishment that provides grooming services to companion animals or pets. Services may include cleaning, cutting, styling, or maintaining of an animal's skin, coat, hair, or feathers. This use does not include the boarding or overnight stay of animals.

**Pharmacy:** a retail establishment that provides prescriptions, medicine, and associated medical items, and which may include the sale of toiletries, cosmetics, and packaged food, and similar items.

**Plant Nursery or Greenhouse:** An establishment primarily engaged in the cultivation, display, and retail or wholesale sale of plants, shrubs, trees, and associated gardening or landscaping supplies. This use may include indoor greenhouse facilities and outdoor growing or display areas

**Principal Use:** The main activity or purpose of land or structures, as distinguished from an accessory use.

**Private Club:** A facility operated by a nonprofit corporation, fraternal organization, or other association where use of the facility is restricted to members of such association and their guests. This use may include food and drink service, game rooms, and meeting rooms.

**Private School:** An establishment offering a curriculum for the elementary school or secondary school level leading to a high school diploma that is not operated by Harrisonburg City Public Schools. This use includes schools operated by other public school divisions.

**Professional Office:** A building or portion of a building used for: professional, executive, management, financial, research, or administrative business or activities; or the conduct of a business by professionals, including architects, artists, accountants, engineers, insurance agents, lawyers, and musicians. A Professional Office does not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, or repair of materials, goods, or products.

**Public School:** An establishment for the education of students that is under the authority of the Harrisonburg City Public Schools.

**Public Street:** A dedicated public thoroughfare which affords the principal means of access to abutting properties, including road, highway, drive, lane, avenue, place, boulevard, or other thoroughfare. This definition does not include an alley or other public right-of-way less than 30 feet in width.

**Public Use:** Any land, building, or structure held, used, or controlled primarily for public purposes by any department or branch of the federal government, Commonwealth of Virginia, or the City of Harrisonburg under the direct authority of the City Council, City of Harrisonburg School Board, or any joint exercise of powers by the City Council, regardless of the land, building, or structure's ownership.

**Radio or Television Station or Studio:** An establishment containing at least one broadcast studio for over-the-air, cable, or satellite delivery of radio or television programs.

**Recovery Residence:** A housing facility that is certified by the Virginia Department of Behavioral Health and Developmental Services that provides alcohol-free and illicit-drug-free housing to individuals with substance use disorders and individuals with co-occurring mental illnesses that does not include clinical treatment services.

**Religious Assembly:** A structure or group of structures intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities. Accessory uses may include religious instruction classrooms, associated offices,

counseling programs, youth programs, childcare facilities, recreational facilities, food banks, and columbarium.

**Retail, General:** An establishment primarily engaged in the sale or rental of goods, merchandise, or commodities directly to the consumer. This use serves as a catch-all for retail establishments not defined elsewhere in this Ordinance.

**Restaurant:** An establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for individual consumption on- or off-premises.

**Retail Showroom:** An establishment primarily engaged in the display and sale of large-format or durable goods that are typically purchased infrequently and often delivered to the customer after sale. Merchandise commonly includes furniture, mattresses, appliances, cabinetry, lighting, flooring, and similar items. These establishments are characterized by extensive floor-area devoted to product display, lower customer turnover, and comparatively lower parking demand per square foot.

**Salvage or Scrap Yard:** The use of any space, inside or outside of a building, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material. This use also includes the dismantling, demolition, or abandonment of automobiles, other vehicles or machinery, or their parts. This use includes any placement of more than 5 inoperable motor vehicles that are exposed to the weather.

**Self-Service Storage:** A building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods.

**Short-Term Rental:** The provision of at least 1 lodging or overnight accommodation space within a principal or accessory building for transient occupancy.

**Solar Facility:** A facility for the primary purpose of collecting, generating, and transferring electric energy from solar radiation.

**Specified Anatomical Areas:** Any of the following:

- A. Human genitals, the pubic region, or the buttocks, if less than completely and opaquely covered;
- B. The female breast below a point immediately above the top of the areola, if less than completely and opaquely covered; or
- C. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** Any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse, or sodomy; or
- C. Fondling or other erotic touching of the human genitals, pubic region, buttocks, or female breast.

**Site Plan:** A detailed engineering drawing and accompanying documentation showing the proposed layout and design of a development, prepared to ensure compliance with this Ordinance, the Subdivision Ordinance, and the Design and Construction Standards Manual (DCSM).

**Storage or Impound Lot:** A facility for the temporary outdoor storage of vehicles, including heavy equipment or specialized vehicles, whether operable or inoperable. This use includes:

- A. Storage of these vehicles or equipment when towed or impounded for legal violations, accidents, or abandonment;
- B. Fleet storage; and
- C. Staging areas for towing and recovery services.

**Story:** That portion of a building included between a floor and the floor or roof next above it, provided that its finished floor surface is entirely above grade, or the finished floor surface of the story above it is more than 6 feet above grade or more than 12 feet above the finished ground level at any point.

**Street:** A public or private thoroughfare, other than an alley or driveway, that provides vehicular access to abutting properties.

**Structure:** An assembly of materials forming a construction for occupancy or use, including buildings, stadiums, tents, parking lots, platforms, stagings, observation towers, telecommunications towers, radio and television broadcasting towers, water tanks, swimming pools, sheds, shelters, fences, walls, and pipelines.

**Subdivision:** The division of land into 2 or more new lots.

**Tobacco, Smoke, or Vape Shop:** An establishment where any combination of the following products are 25 percent or more of its total inventory or 15 percent or more of its total display area: tobacco products, nicotine vapor products, alternative nicotine products, and hemp products, as those terms are defined in the Code of Virginia § 18.2-371.2; and any kratom products as regulated by the Code of Virginia § 59.1-200.

**Training Facility or Vocational School:** An establishment offering regularly scheduled instruction in technical, commercial, or trade skills.

**University:** see “College or University.”

**Vehicle Fuel Station:** An establishment primarily engaged in the retail sale of any motor vehicle fuel, including gasoline, diesel fuel, natural gas, hydrogen, and electricity. This use may include the accessory retail sale of convenience goods and prepared foods.

**Vehicle Parking Space:** An off-street area designated for the parking of a single motor vehicle.

**Vehicle Repair and Maintenance:** An establishment providing high-intensity mechanical and body work for motor vehicles. This use includes collision repair, frame straightening, painting, welding, engine and transmission overhauls, and work involving the removal of the engine head or transmission.

**Vehicle Sales and Rental:** An establishment engaged in the retail sale, lease, or rental of new or used motor vehicles, including passenger cars, light trucks, motorcycles, and recreational vehicles.

**Vehicle Service Station:** An establishment providing routine maintenance and minor mechanical repairs for motor vehicles. Services may include oil changes, tire rotation and sales, brake repair, battery replacement, state inspections, and minor engine adjustments that do not require removal of the engine head or transmission.

**Veterinary Hospital:** An establishment for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. This use includes the incidental temporary overnight boarding of animals that are recuperating from treatment or otherwise subject to medical evaluation.

**Vocational School:** see “Training Facility or Vocational School.”

**Volunteer Rescue Squad:** A nonprofit organization, staffed by volunteers, that provides emergency medical services, rescue services, or both, to the public.

**Warehousing and Freight Movement:** An establishment used for the storage or movement of goods, with little or no on-site retail sales to customers. Goods may be received individually or in bulk for short-term holding and storage. This use also includes sorting, packaging, or redistribution of goods for shipment off-site.

**Waste-Related Service:** An establishment that receives solid or liquid wastes from others for treatment or transfer to another location, or that uses solid or liquid wastes for the manufacture or production of goods or energy.

**Wholesale:** An establishment for the sale of goods, merchandise, and commodities in gross, primarily for resale purposes.

**Winery:** see “Brewery, Distillery, or Winery.”

**Zoning Administrator:** The appointed City official who serves as the Zoning Administrator, charged with the interpretation, administration, and enforcement of the Zoning Ordinance for the City of Harrisonburg, or any designee of the Zoning Administrator.

**Zoning Plan:** A drawing showing the existing and proposed conditions of a lot or development site, used to demonstrate compliance with the dimensional, use, and layout standards of this Ordinance.