

**Table of Contents**

Article	Section 9 - Page
9-B	DEFINITIONS.....9-1
9-A	GENERAL USAGE .....9-1
9-B	DEFINITIONS (11/1/2005) .....9-2
9-C	DEFINITION DISPUTES.....9-12

## **9-B DEFINITIONS**

### **9-A GENERAL USAGE**

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

- 9-A-1 Words used in the present tense include the future tense and words in the singular number include the plural number or words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.
- 9-A-2 The word "shall" is mandatory.
- 9-A-3 Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- 9-A-4 The word "building" includes the word "structure;" the word "lot" includes the words "plot" and "parcel."
- 9-A-5 The word "used" shall be deemed also to include "erected," "reconstructed," "altered," "placed," or "moved."
- 9-A-6 The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building."
- 9-A-7 The word "State" means the Commonwealth of Virginia.
- 9-A-8 The word "Town" means the Town of Boyce, Commonwealth of Virginia, and the term "town boundary" means any exterior boundary of the Town.
- 9-A-9 The word "approve" shall be considered to be followed by the words "or disapproved."
- 9-A-10 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- 9-A-11 Reference to "Code of Virginia" or this Ordinance shall include "as amended."
- 9-A-12 The word "adjacent" means "nearby" and not necessarily "contiguous," unless the obvious construction of the wording indicates otherwise.

## **9-B DEFINITIONS (11/1/2005)**

- 9-B-1            **ACCESS:** A means of approach or admission.
- 9-B-2            **ACCESSORY BUILDING:** A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building.
- 9-B-3            **ACCESSORY USE:** A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
- 9-B-4            **ALLEY:** A right-of-way, which provides secondary service access for vehicles to the side or rear of abutting properties.
- 9-B-5            **ALTERATION, STRUCTURAL:** Any change, removal, replacement, reinforcement, or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those on fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.
- 9-B-6            **AMENDMENT:** Any repeal, modification, or addition to this Ordinance or any part thereof; any change in the classification, shape, boundary, or area of a district; any repeal or abolition of, or any addition to, the zoning map.
- 9-B-7            **ASSISTED LIVING FACILITY:** Any congregate residential setting that provides or  
(3/2/2010) 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 facility licensed by the Virginia Board of Health or the Virginia Department of Behavioral Health and Developmental Services.
- 9-B-8            **BASE FLOOD:** A flood having a one percent chance of being equaled or exceeded in any given year or the one hundred (100)-year flood.
- 9-B-9            **BASEMENT:** That portion of a building below the first floor joists at least half of whose clear ceiling height is above the mean level of the adjacent ground.
- 9-B-10           **BED AND BREAKFAST:** A home occupation where lodging or lodging and meals are provided for compensation for up to five transient guests.
- 9-B-11           **BLOCK:** That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, perennial stream, or between any of the foregoing or any other barrier to the continuity of development.
- 9-B-12           **BUFFERING; SCREENING:** Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous trees, bushes, and shrubbery.
- 9-B-13           **BUILDING:** A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

- 9-B-14            **BUILDABLE AREA:** The area of a lot remaining after required yards, open spaces, parking, loading, and access areas have been provided.
- 9-B-15            **BUILDING, HEIGHT OF:** The vertical distance measured the finished ground floor elevation of the building to the highest point of the roof surface. If a flat roof, the distance is measured to the deck line. If a mansard, gable, hip, or gambrel roof, the distance is measured to the mean height level between eave and ridge.
- 9-B-16            **BUILDING INSPECTOR:** An appointed official of Clarke County who is responsible for certifying building inspections.
- 9-B-17            **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
- 9-B-18            **CARPORT:** 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 that is more than eighteen inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).
- 9-B-19            **CELLAR:** That portion of a building below the first floor joists at least half of whose clear ceiling height is below the man level of the adjacent ground. Such a portion of a building shall not be used for habitation.
- 9-B-20            **CHANNEL:** That portion of a river, stream or other watercourse, which serves to contain and discharge the normal input and flow of water within the confines of the natural banks.
- 9-B-21            **CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY:** A structure where  
(3/2/2010) persons regularly assemble for religious purposes and related social events, which is maintained and controlled by a religious entity, with IRS 501(c)(3) tax status, organized to sustain public worship. This term includes synagogue, temple, mosque, or other such places of worship and religious activities. This term includes the following related facilities: assembly hall, social hall, meeting rooms, administrative offices, playground, and cemetery. This term does not include permanent overnight sleeping accommodations except for clergy or paid full-time staff in a facility commonly referred to as rectory, convent, parsonage, manse, vicarage or church house.
- 9-B-22            **CIRCUIT COURT:** The Circuit Court for Clarke County, Virginia.
- 9-B-23            **CLINIC:** An establishment where physicians or dentists admit human patients, who are not lodged overnight, for examination or treatment.
- 9-B-24            **CLUB (PRIVATE):** Those associations and organizations of a fraternal or social character not operated or maintained for profit, but shall not include a nightclub or other institution operated as a business.
- 9-B-25            **COMMERCIAL:** Any wholesale, retail, or service business activity established to carry on trade for a profit.
- 9-B-26            **COMMISSION:** The Planning Commission of the Town of Boyce, Virginia.

- 9-B-27  
(2Mar10) COMMUNITY SERVICES: The following uses that are owned and/or operated by governmental entities or entities that are non-profit or not for profit: community centers, fire and/or rescue squad facilities, government offices, libraries, museums, post offices, playgrounds/parks/recreational facilities, schools for day students serving grades K4 through 12, sewage & treatment and water works, and visitor centers.
- 9-B-28 COMPREHENSIVE PLAN: The Comprehensive Plan of the Town of Boyce, Virginia.
- 9-B-29 COURT: An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.
- 9-B-30 DAY CARE CENTER: A daytime care program offered for compensation in a commercial structure for any number of persons. A daytime care program offered for compensation in a dwelling unit for 13 or more persons (exclusive of the provider's immediate family members and any persons who reside in the dwelling). The persons receiving care may be either children or adults. A Day Care Center shall be licensed as required by the Commonwealth of Virginia.
- 9-B-31 DAY CARE CENTER, HOME: A daytime care program offered for compensation in a dwelling unit for 12 or fewer persons (exclusive of the provider's immediate family members and any persons who reside in the dwelling). The persons receiving care may be either children or adults. A program for 6 to 12 persons shall be considered a Home Occupation. A program for 1 to 5 persons shall not be considered a Home Occupation or be subject to any other regulations more restrictive than those imposed on a Single Family Dwelling. A Home Day Care Center shall be licensed as required by the Commonwealth of Virginia.
- 9-B-32 DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
- 9-B-33 DRIVEWAY: A space or area specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street.
- 9-B-34 DUPLEX: A single structure containing two dwelling units, each with its own exterior entrance at grade.
- 9-B-35 DWELLING: A dwelling unit.
- 9-B-36 DWELLING, ATTACHED: A dwelling having all or a portion of a wall in common with an adjoining dwelling.
- 9-B-37 DWELLING, DETACHED: A dwelling that is entirely free standing.
- 9-B-38 DWELLING, MULTI-FAMILY: A building containing three or more units.
- 9-B-39 DWELLING, PORTABLE: (See Manufactured Home).
- 9-B-40  
(5/2/2005)  
(12/7/2010) DWELLING, SINGLE FAMILY: A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only. This term shall include Group Homes or Assisted Living Facility (as defined in the Code of Virginia, section 15.2-2291), so that Assisted Living Facilities) for up to eight individuals with mental illness, mental retardation, or

developmental disabilities or no more than eight aged, infirm, or disabled persons, and with one or more resident counselors or other staff persons) to be considered residential occupancy by a single family and to not have conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption.

- 9-B-41 DWELLING, SEMI-DETACHED: (See Duplex).
- 9-B-42 DWELLING, TEMPORARY: A manufactured home, but not necessarily attached to a permanent foundation.
- 9-B-43 DWELLING, TWO-FAMILY: A residential building designed for and occupied by not more than two families.
- 9-B-44 DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities and containing not less than 600 square feet of residential floor area.
- 9-B-45 EASEMENT: A grant by a property owner of the use of his land, or a portion thereof, by another party for a specific purpose.
- 9-B-46 ERECT: Construct, move, or structurally alter.
- 9-B-47 (11/1/2005) FAMILY: One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, and also including foster children and domestic servants. For the purpose of this definition, a person related by blood is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the property owner or leaser. In no instance shall there be more than one family member for each 200 square feet of heated area in the dwelling, with a maximum of 12 family members. A family may also be a number of persons, not exceeding four, living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage.
- 9-B-48 FLOOD: A general and temporary inundation of normally dry land areas.
- 9-B-49 FLOOD, ONE HUNDRED YEAR (INTERMEDIATE REGIONAL FLOOD): A flood that, on the average, is likely to occur once every 100 years (i.e., that has one percent chance of occurring each year, although the flood may occur in any year).
- 9-B-50 FLOOD PLAIN: A relatively flat or low land area adjoining a river, stream or watercourse, lake or other body of standing water, which has been or may be subject to partial or complete inundation by flood water.
- 9-B-51 FLOODWAY: The channel of a river, stream or other watercourse and the adjacent land area required to carry and discharge a flood that, on the average, is likely to occur once every ten years {i.e., that has a ten percent chance of occurring each year}.
- 9-B-52 FLOOR AREA: The aggregate area of all floors included within the outer wall of a building, measured at the exterior of such walls, excluding basements not used for living or recreational purposes, cellars, rooms for heating equipment, garages and unenclosed porches, breezeways and other unheated areas, and including only such floor area under a sloping ceiling for which

the headroom is not less than five feet, six inches and then only if at least 50 percent of such floor area has a ceiling height of not less than seven feet, four inches and provided any such floor area that is situated above another story has access to the floor below by a permanent built in stairway.

9-B-53 FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be further away from the street upon which the lot fronts than the required front yard.

9-B-54 FUNERAL HOMES: An establishment used primarily for human funeral services, that may or may not include facilities on the premises for; (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation.

9-B-55 GARAGE: A building designed or used for the parking or storage of motor vehicles.

9-B-56 GASOLINE FILLING STATION: Automobile filling stations shall be considered as buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition the following services, may be rendered and sales made and no other:

- a) Sale and servicing of spark plugs, batteries, and distributor parts;
- b) Tire servicing and repair, but not recapping or re-grooving;
- c) Replacement or adjustment of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- d) Radiator cleaning and flushing, provision of water, anti-freeze and the like;
- e) Washing and polishing, and sale of automotive washing and polishing materials;
- f) Greasing and lubrication;
- g) Providing and repairing fuel pumps, oil pumps and lines;
- h) Servicing and repair of carburetors;
- i) Emergency wiring repairs;
- j) Adjusting and repair brakes;
- k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- l) Provision of cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply stations customers, but only as accessory and incidental to principal operation; and
- m) Provision of road maps and other information and material to customers; provision of Restroom facilities.

Uses permissible at an automobile filling station do not include major mechanical body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile filling stations.

9-B-57 GOVERNING BODY: The Town Council of Boyce, Virginia.

9-B-58 HEALTH OFFICIAL: HEALTH OFFICER: The legally designated health official of the Department of Health, Commonwealth of Virginia, for the Town of Boyce, Virginia.

9-B-59 HEIGHT: (See Building, Height of).

9-B-60 HISTORIC: Relating to or associated with a place, time, event, and/or person which played a

significant role in influencing or affecting the past course of human activity that shaped the visual, cultural, or political character of the U.S., Virginia, Clarke County, and/or the Town of Boyce.

- 9-B-61 HISTORIC LANDMARK: A building, site, structure, or object, which has been determined eligible for the State or National Register of Historic Places by the Virginia Department of Historic Resources.
- 9-B-62 HOME OCCUPATION: An occupation conducted in a dwelling unit as a secondary use, provided that:
- a) No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
  - b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the floor area of the dwelling unit, or not more than 25 percent of said floor area if the home occupation is conducted in an accessory building, shall be used in the conduct of the home occupation. A Bed and Breakfast may use a maximum of three rooms for the conduct of the home occupation, regardless of the floor area of the dwelling unit. Home Day Care may not serve more than 12 clients, regardless of the floor area of the dwelling unit.
  - c) There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of such home occupation, other than a sign as allowed in section 4-I-3-a of this ordinance;
  - d) Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
  - e) No equipment or process shall be used in such home occupation that creates electrical interference, fumes, glare, noise, odors, or vibration, detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit, if the occupation is conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used that creates audible or visual interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
  - f) For home occupations involving vehicular repair:
    - 1) no more than three operable vehicles (not owned by the operator of the home occupation) shall be allowed outside of a completely enclosed structure;
    - 2) additional operable vehicles (not owned by the operator) shall be allowed in a completely enclosed structure;
    - 3) all operable vehicles (not owned by the operator) shall be on the premises only for the purpose of repair, not storage.
- 9-B-63 INN: Any place containing not more than 10 guest rooms offering to the public compensation transitory lodging or sleeping accommodations, overnight or otherwise, with any period of continuous occupancy being not longer than 14 days, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, or travel lodges.
- 9-B-64 IMPERVIOUS SURFACES: Buildings, structures, and all other man-made improvements on the ground surface, such as pavings and driveways, that is more impervious than the natural surface, thereby increasing the potential for surface runoff.
- 9-B-65 INOPERABLE VEHICLE: For the purposes of this Ordinance, an inoperable vehicle shall be any motor vehicle, trailer, or attachment thereto that is not in operating condition, or that, for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and

wheels, the engine, or essential parts required for the operation of the vehicle, or that is required to display current Town license, state plates and inspection sticker, and that does not display such current town license, state plates, and inspection sticker.

- 9-B-66 JUNK YARD: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of motor vehicles, machinery, or parts thereof.
- 9-B-67 LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by this Ordinance, and having frontage on an approved street.
- 9-B-68 LOT AREA: The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot area shall not include portions under water except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.
- 9-B-69 LOT, CORNER: A lot abutting on two or more streets at their intersection.
- 9-B-70 LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- 9-B-71 LOT, DEPTH OF: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.
- 9-B-72 LOT, INTERIOR: Any lot other than a corner lot, and including a through lot.
- 9-B-73 LOT, IRREGULAR: A lot that is so located, shaped, or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serves no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots.
- 9-B-74 LOT, REGULAR: A lot that is so located, shaped, and oriented to adjacent lots as to be reasonably adapted to application of general measurement methods and dimensional yard requirements, and with location of yards by type (front, side, rear and special) logically determined by and related to adjacent street or streets and adjacent yard patterns.
- 9-B-75 LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets.
- 9-B-76 LOT, WIDTH OF: The average horizontal distance between side lot lines.
- 9-B-77 LOT OF RECORD; RECORD LOT: Land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed in the land records of Clarke County, Virginia.
- 9-B-78 LOWEST FLOOR: 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.

- 9-B-79            MANEUVERING SPACE: An area directly related to require parking areas, designed to permit easy vehicular movement. Maneuvering space shall not be considered as part of any required "parking space" or "loading space."
- 9-B-80            MANUFACTURED HOME (also known as MOBILE HOME): A portable dwelling unit, built on a permanent chassis, transportable in one or more sections, and designed to be used as a dwelling, with or without a permanent foundation. "Mobile home" shall include a "manufactured home" as defined in Section 1200.2 of the 1987 edition of the Industrialized Building and Manufactured Home Safety Regulations of the Virginia Uniform Statewide Building Code. A manufactured home (mobile home) is not a modular home.
- 9-B-81            MODULAR HOME: A dwelling unit, consisting of one or more sections, manufactured off-site and transported to the point of use for installation or erection on a permanent foundation. An "industrialized building" as defined in Section 200.0 of the 1987 edition of the Industrialized Building and Manufactured Home Safety Regulations of the Virginia Uniform Statewide Building Code, when used as a residential unit, is a "modular home." A modular home is not a manufactured home (mobile home).
- 9-B-82            NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the area or width requirements of this Ordinance for the district in which it is located.
- 9-B-83            NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance for the district in which it is located.
- 9-B-84            NONCONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located.
- 9-B-85            NONPROFIT ORGANIZATION: An organization or group whose charter prohibits profit making endeavors, and which enjoys tax exemption privileges.
- 9-B-86            PARKING, OFF-STREET: Space specifically allotted to the parking of motor vehicles, which space is not in a public right-of-way.
- 9-B-87            PARKING LOT: A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.
- 9-B-88            PARKING SPACE, OFF-STREET: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building, or upon a roof, allocated for parking, shall be included and considered a part of the required spaces.
- 9-B-89            PLANNING COMMISSION: The Planning Commission of the Town of Boyce, Virginia.
- 9-B-90            PORCH: The term "porch" shall include any porch, veranda, gallery, terrace, portico, or similar projection for a main wall of a building and covered by a roof, other than a carport as defined in

this chapter. An "unenclosed porch" is a porch with no roof or side enclosure (other than the side of the building to which the porch is attached) that is more than 36 inches in height.

- 9-B-91      **PORTABLE STRUCTURE:** Anything constructed or erected that does not require permanent location on the ground, or attachment to something having a permanent location on the ground.
- 9-B-92      **PROFESSIONAL OFFICE:** The office, studio, or professional room of a doctor, architect, artist, musician, lawyer, or similar professional person, excepting any funeral home, or any establishment where goods are offered for sale.
- 9-B-93      **RECREATIONAL EQUIPMENT, MAJOR:** Travel trailers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, (10-18-94) and the like, which require licensing by the Virginia Department of Motor Vehicles, as well as truck campers and caps.
- 9-B-94      **RESTAURANT:** Any establishment, however designated, at which food is sold for consumption on or off the premises. However, a snack bar or refreshment stand at a public or nonprofit community swimming pool, playground, play field or park, operated solely by or for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.
- 9-B-95      **RETAIL AND SERVICE BUSINESSES:** Buildings or land used for on site sale of merchandise at retail or for the rendering of personal services where such service is performed on site.
- 9-B-96      **ROAD:** Shall include the terms street, avenue, way, court, drive and the like.
- 9-B-97      **SCREENING:** (See Buffering).
- 9-B-98      **SETBACK:** The minimum distance by which any building or structure must be separated from the front lot line.
- 9-B-99      **SEWERAGE SYSTEM & TREATMENT WORKS:**
1. Sewerage System: pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal, and
  2. Treatment Works: any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including, but not limited to, pumping, power and other equipment and appurtenances, septic tanks and any works (including land) as components of a Mass Drainfield, that are or will be (a) an integral part of the treatment process or (b) used for ultimate disposal or residues or effluent resulting from such treatment. This term does not include Subsurface Drainfields smaller than Mass Drainfields. A Mass Drainfield is a subsurface drainfield that has loading rates in excess of 1,200 gallons per day for any acre and consists of more than 2,000 linear feet or percolation piping.
- 9-B-100      **STREET, CENTER LINE OF:** A line established as a center line of a street by any State, County, or other official agency or governing body-having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or, if there is no official center line of a street, the center line shall be a line lying midway between the street right-of-way lines. Where street right-of-way lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the Commission, or in the absence of a determination by the

Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

- 9-B-101      **STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, except utility poles.
- 9-B-102      **STRUCTURAL ALTERATION:** Any change, modification, addition or deletion to an existing structure.
- 9-B-103      **TRACT:** A parcel of land for which there exists a separate parcel designation on the Clarke County Real Property Identification Map. Parcels that have been divided by a public road, which is maintained by the Virginia Department of Transportation, shall be considered as separate tracts, even though such tracts may be assigned one parcel designation as herein defined.
- 9-B-104      **USE:** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.
- 9-B-105      **WATERWORKS:** A system that serves piped water for drinking or domestic use to:
1. the public,
  2. at least 15 connections, or
  3. an average of 25 individuals for at least 60 days out of the year, and shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water (except the piping and fixtures inside the building where such water is delivered).
- 9-B-106      **YARD:** An open space on a lot other than a court unoccupied and unobstructed from the ground upward by structures, except as otherwise provided herein.
- 9-B-107      **YARD, FRONT:** An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front boundary line of the lot, and extending across the full width of the lot.
- 9-B-108      **YARD, REAR:** An open space, on the same lot as a building, between the rear line of the building (excluding steps) and the rear boundary line of the lot, and extending across the full width of the lot.
- 9-B-109      **YARD, REQUIRED:** A yard, as herein defined, located on a lot, the minimum dimensions of which are set by the district regulations of this ordinance.
- 9-B-110      **YARD, SIDE:** An open space, on the same lot as a building, between the sideline of the building (excluding steps) and the side boundary line of the lot, and extending from the front yard line to the rear yard line.
- 9-B-111      **ZONING ADMINISTRATOR:** The official charged with the administration and enforcement of the Zoning Ordinance.
- 9-B-112      **ZONING MAP:** The Official Zoning Map of the Town of Boyce, Virginia, and all amendments thereto. The Zoning Administrator shall regularly update it at any such time as amendments are made. The Official Map shall be located in the office of the Zoning Administrator.

9-B-113            ZONING PERMIT: a permit issued by the Zoning Administrator before any work may proceed that is regulated by any provision of this Ordinance or land and/or structures used for any activity regulated by this Ordinance.

**9-C    DEFINITION DISPUTES**

The Zoning Administrator is authorized to make a definitive determination in case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not. The Administrator shall be guided in such determination by the purposes and intent of this Ordinance as set forth in Article 1. An appeal of such a determination may be made as provided in Article 7.