ZONING ORDINANCE

CITY OF RICHMOND, VIRGINIA

CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF RICHMOND, VIRGINIA (ADOPTED NOVEMBER 9, 2015)

AND

Fees

Plus

ALL ZONING AMENDMENTS (through July 22, 2019)

Revised: 7/29/2019

ARTICLE I. IN GENERAL

Sec. 30-100. Purpose.

The purpose of this chapter is to adopt a comprehensive zoning plan designed to:

(1) Lessen congestion in streets;

(2) Secure safety from fire, flood, panic and other danger;

(3) Promote health, sanitation and general welfare;

(4) Provide for adequate light, air and convenience of access;

(5) Prevent the overcrowding of land;

(6) Avoid undue concentration of population;

(7) Facilitate the creation of a convenient, attractive and harmonious community;

(8) Protect against destruction of or encroachment upon historic areas;

(9) Encourage economic development activities that provide desirable employment and enlarge the tax base; and

(10) Expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements pursuant to and in accordance with the applicable sections of Code of Virginia, § 15.2-2280 et seq.

Sec. 30-101. Duties of Department of Planning and Development Review with regard to mailing of notices.

Whenever this chapter or general law requires that notice of a public hearing concerning a matter to which this chapter applies be sent by mail to a property owner, the Department of Planning and Development Review shall send by mail such notice.

(Ord. No. 2019-085 §(1); 4-22-2019)

[NOTE: Ord. No. 2009-221-2010-9; 1-25-2010 changed the name of the *Department of Community Development* to the *Department of Planning & Development Review*.]

[NOTE: The City Code was re-codified and Chapter 114 was amended to Chapter 30 on November 9, 2015.]

ARTICLE II. ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP; INTERPRETATION OF BOUNDARIES

Sec. 30-200. Establishment of districts; official zoning map.

In order to accomplish the purpose of this chapter, the city is hereby divided into districts as provided and as shown on the official zoning map, consisting of data maintained within the City's Geographic Information System, which data shall be known as the "Zoning District Map 2008," and which, together with all explanatory matter contained thereon, is hereby declared to be a part of this chapter.

(Code 1993, § 32-200; Ord. No. 2008-109-90, § 1, 5-27-2008)

Sec. 30-210. Preservation of official zoning map and amendments.

The Director of planning and development review shall see that each amendment to the map is recorded within the City's Geographic Information System as soon as practicable after the effective date of the ordinance adopting such amendment and that the City's Geographic Information System shall identify the official action by which such amendment was made, the date of such action and the area involved. It shall be unlawful for any person to make any change in the official zoning map except by authorization of the Director of planning and development review in accordance with the procedures and requirements set forth in this chapter.

(Code 1993, § 32-210; Ord. No. 2008-109-90, § 1, 5-27-2008)

Sec. 30-220. Copies of official zoning map.

A printed copy of the "Zoning District Map 2008" shall be retained in the office of the city clerk and in the department of planning and development review. The Director of planning and development review shall cause such printed copies to be updated periodically as needed.

(Code 1993, § 32-220; Ord. No. 2008-109-90, § 3, 5-27-2008)

Sec. 30-230. Interpretation of district boundaries.

Whenever uncertainty exists with respect to the boundary lines of districts shown on the official zoning map or any copy thereof, the rules set out in sections 30-230.1 through 30-230.8 shall apply.

Sec. 30-230.1. Discrepancy between official zoning map and copy.

Where a discrepancy exists between a district boundary shown on the official zoning map and that which is shown on any copy thereof, the official zoning map shall be the final authority.

Sec. 30-230.2. Discrepancy between official zoning map and ordinance.

Where a discrepancy exists between a district boundary shown on the official zoning map and that which is described in the text of an ordinance establishing such boundary, the text of the ordinance shall be the final authority.

Sec. 30-230.3. Centerlines as boundaries.

Notwithstanding section 30-230.2, zoning district boundaries which appear to follow centerlines of streets, alleys, easements, railroad rights-of-way, waterways and similar features shall be construed as following such centerlines.

Sec. 30-230.4. Property and other lines as boundaries.

Where zoning district boundaries appear to follow street, lot, property or other lines of similar nature, they shall be construed as following such lines. However, if a street or alley is closed by the city where the district boundary is indicated as other than the centerline of such street or alley, it shall be construed as having been at the centerline.

Sec. 30-230.5. Parallels, perpendiculars and extensions as boundaries.

Where zoning district boundaries appear parallel or perpendicular to or appear as extensions of centerlines, property lines or other features, they shall be so construed.

Sec. 30-230.6. Measurement of boundaries.

Where zoning district boundaries do not appear to follow centerlines or street, lot, property or other lines of similar nature or do not appear to be extensions of any such lines or are not described within any ordinance, the location of the boundaries shall be determined by measurement of the distances shown on the official zoning map according to the scale indicated thereon.

Sec. 30-230.7. Interpretations by board of zoning appeals.

Where the street layout on the ground varies from the street layout a shown on the official zoning map, the district boundaries shall be interpreted by the board of zoning appeals as set forth in section 17.20 of the Charter.

Sec. 30-230.8. Unclassified areas and additions to jurisdictional area.

Areas unclassified by the official zoning map and for which none of the rules of interpretation in this article is applicable and areas newly annexed to the city shall be construed as being within the R-1 single-family residential district until otherwise designated by the city council.

ARTICLE III. APPLICATION OF REGULATIONS

Sec. 30-300. Compliance with chapter.

No building or structure shall be erected, reconstructed, enlarged, structurally altered, converted or moved nor shall any land, building or structure be used or occupied except in conformity with all the regulations established by this chapter for the district in which such land, building or structure is located.

Sec. 30-310. Required yard, area or space for a use or structure to be used for any other use or structure.

No part of any yard, area, open space or parking or loading space required for one use or structure shall be encroached upon or considered as yard, area, open space or parking or loading space for any other use or structure, except as specifically permitted by this chapter.

Sec. 30-320. Reduction of required yard, area or space.

No required yard, area, open space or parking or loading space shall be reduced or eliminated by private action except in conformity with the regulations established by this chapter.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 30-400. Applicability of article.

Regulations applicable within the several districts established by this chapter shall be as set forth in this article, provided that such regulations shall be subject to exceptions, qualifications and modifications contained in article VI of this chapter. Off-street parking and loading regulations of all uses shall be set as forth in article VII of this chapter.

DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-402.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-1 district:

(1) Single-family detached dwellings;

(2) Libraries, museums, schools, parks and recreational facilities owned or operated by any governmental agency, and other uses required for the performance of governmental functions and primarily intended to serve residents of adjoining neighborhoods, provided that a plan of development shall be required as set forth in article X of this chapter for any such use that is not subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter;

(3) Churches and other places of worship, which may include the serving of food as a charitable or fellowship use within the church or place of worship, provided that a plan of development shall be required as set forth in article X of this chapter for any church or other place of worship;

(4) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises;

(5) Public and private noncommercial forests, wildlife preserves and conservation areas;

(6) Private noncommercial parks, recreational facilities, country clubs, swimming pools, athletic fields, community center buildings and uses incidental thereto, operated by associations or organizations not organized for profit, the exclusive use of which is limited to members of such associations or organizations and their guests, provided that the following conditions are met:

a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan, except that this provision shall not apply to premises exclusively serving the residents of an adjoining neighborhood;

b. Portions of the premises devoted to outdoor activities shall be effectively screened from view from abutting properties in R and RO districts by evergreen vegetative or structural screens not less than six feet in height;

c. No building shall be located within 50 feet of an adjoining lot in an R and RO district;

d. Swimming pools and adjoining deck areas shall be completely enclosed with a fence or wall not less than four feet in height, and no swimming pool or adjoining deck area shall be located within 50 feet of an adjoining lot in an R or RO district;

e. A plan of development shall be required as set forth in article X of this chapter.

(7) Private elementary and secondary schools having curricula substantially the same as that offered in public schools, provided that a plan of development shall be required as set forth in article X of this chapter;

(8) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(9) Antennas and support structures for communications systems operated by or for the city;

(10) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to the requirements for location, character and extent approval by the city planning commission in accordance with the requirements of section 17.07 of the City Charter.

(Code 1993, § 32-402.1; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-402.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses, shall be permitted in the R-1 district (see section 30-680):

(1) Private garages, garden, tool and storage buildings, boathouses, piers and docks;

(2) Home occupations;

(3) Day nurseries when located within churches, or other places of worship, community centers or school buildings, provided:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(4) Parking areas;

(5) **Reserved** [NOTE: Accessory lodging units removed.] **(No. 2012-74-84, § 1, 6-11-2012)**

(6) Swimming pools, tennis courts and similar recreational facilities;

(7) Temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of construction. In the case of public improvements construction taking place within a public right-of-way, such construction related activities shall be permitted on property abutting the construction site when approved by the Director of Public Works and when operated and maintained in accordance with standards established by said Director;

(8) Raising or keeping of domestic animals for noncommercial purposes on lots occupied by single-family dwellings, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of such animals shall be located not less than 200 feet from all property lines. The restrictions set forth in this subsection shall not apply to the keeping of dogs, cats or other household pets or to the keeping of not more than four female chickens in residential districts. In addition, with regard to the keeping of not more than four female chickens, (i) no fenced area, pen or structure for the keeping of such chickens shall be located closer than 15 feet to any dwelling on an adjacent lot, (ii) no fenced area or pen for the keeping of such chickens shall be located within any required front yard or street side yard and (iii) no structure for the keeping of such chickens shall be located within any required yard (see Chapter 4 of the City Code); **(Ord. No. 2013-47-47, § 1, 4-8-2013)**

(9) Temporary housing of not more than 30 homeless individuals within churches or other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(10) Adult day care facilities when located within churches, other places of worship or community centers;

(11) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1-30-692.6.

(Code 1993, § 32-402.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2013-47-47, § 1, 4-8-2013)

Sec. 30-402.4. Lot area and width.

Single-family dwellings in the R-1 single-family residential district shall be located on lots of not less than 20,000 square feet in area with a width of not less than 100 feet (see article VI, division 3, of this chapter).

Sec. 30-402.5. Yards.

Yard regulations in the R-1 single-family residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 35 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards of not less than ten feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than ten feet (see article VI, division 4, of this chapter).

Sec. 30-402.6. Lot coverage.

Maximum lot coverage in the R-1 single-family residential district shall not exceed 20 percent of the area of the lot.

Sec. 30-402.7. Height.

No building or structure in the R-1 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 3. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-404.1. Permitted principal uses.

Any principal use permitted in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-2 single-family residential district.

Sec. 30-404.2. Permitted accessory uses and structures.

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-2 single-family residential district.

Sec. 30-404.4. Lot area and width.

Single-family dwellings in the R-2 single-family residential district shall be located on lots of not less than 15,000 square feet in area with a width of not less than 90 feet (see article VI, division 3, of this chapter.

Sec. 30-404.5. Yards.

Yard regulations in the R-2 single-family residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 30 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards not less than nine feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than nine feet (see article VI, division 4, of this chapter).

Sec. 30-404.6. Lot coverage.

Maximum lot coverage in the R-2 single-family residential district shall not exceed 25 percent of the area of the lot.

Sec. 30-404.7. Height.

No building or structure in the R-2 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 4. R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-406.1. Permitted principal uses.

Any principal use permitted in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-3 single-family residential district.

Sec. 30-406.2. Permitted accessory uses and structures.

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-3 single-family residential district.

Sec. 30-406.4. Lot area and width.

Single-family dwellings in the R-3 single-family residential district shall be located on lots of not less than 10,000 square feet in area with a width of not less than 75 feet (see article VI, division 3, of this chapter).

Sec. 30-406.5. Yards.

Yard regulations in the R-3 single-family residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards of not less than 7 1/2 feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than 7 1/2 feet (see article VI, division 4, of this chapter).

Sec. 30-406.6. Lot coverage.

Maximum lot coverage in the R-3 single-family residential district shall not exceed 25 percent of the area of the lot.

Sec. 30-406.7. Height.

No building or structure in the R-3 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 5. R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-408.1. Permitted principal uses.

Any principal use in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-4 single-family residential district.

Sec. 30-408.2. Permitted accessory uses and structures.

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-4 single-family residential district.

Sec. 30-408.4. Lot area and width.

Single-family dwellings in the R-4 single-family residential district shall be located on lots of not less than 7,500 square feet in area with a width of not less than 60 feet (see article VI, division 3, of this chapter).

Sec. 30-408.5. Yards.

Yard regulations in the R-4 single-family residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards of not less than six feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than six feet (see article VI, division 4, of this chapter).

Sec. 30-408.6. Lot coverage.

Maximum lot coverage in the R-4 single-family residential district shall not exceed 30 percent of the area of the lot.

Sec. 30-408.7. Height.

No building or structure in the R-4 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 6. R-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-410.1. Permitted principal uses.

Any principal use permitted in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-5 single-family residential district.

Sec. 30-410.2. Permitted accessory uses and structures.

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-5 single-family residential district.

Sec. 30-410.4. Lot area and width.

Single-family dwellings in the R-5 single-family residential district shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

Sec. 30-410.5. Yards.

Yard regulations in the R-5 single-family residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter).

Sec. 30-410.6. Lot coverage.

Maximum lot coverage in the R-5 single-family residential district shall not exceed 35 percent of the area of the lot.

Sec. 30-410.7. Height.

No building or structure in the R-5 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 6.1. R-5A SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 30-411.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the R-5A single- and two-family residential district is to preserve and enhance the established character of older residential neighborhoods located in various parts of the city and characterized by a mixture of detached single- and two-family dwellings situated on modest sized lots. The R-5A district regulations and the supplemental regulations of this chapter are intended to encourage continued improvement and economic use of existing residential buildings and their accessory structures, while enabling development of remaining vacant lots in a manner compatible with existing development.

Sec. 30-411.2. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-5A single- and two-family residential district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.

(2) Two-family detached dwellings.

Sec. 30-411.3. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-5A single- and two-family residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:

a. The single-family dwelling shall not contain any accessory lodging units;
b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
c. The lot shall meet the lot area requirement for a two-family dwelling;
d. One off-street parking space shall be provided for the additional dwelling unit; and
e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

Sec. 30-411.5. Lot area and lot width.

Lot area and lot width regulations in the R-5A single- and two-family residential district shall be as follows (see article VI, division 3, of this chapter):

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 5,000 square feet in area with a width of not less than 50 feet.

(2) *Two-family detached dwellings.* Two-family detached dwellings shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet.

Sec. 30-411.6. Yards.

Yard regulations in the R-5A single- and two-family residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter).

Sec. 30-411.7. Lot coverage.

Lot coverage in the R-5A single- and two-family residential district shall not exceed 40 percent of the area of the lot.

Sec. 30-411.8. Height.

No building or structure in the R-5A single- and two-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter and section 30-680.1).

DIVISION 7. R-6 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT

Sec. 30-412.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-6 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
b. Architectural variations shall be provided among units within any series of more than four units;
c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family detached dwellings;

(4) Two-family attached dwellings lawfully existing prior to the effective date of this section.

(Code 1993, § 32-412.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-412.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-6 single-family attached residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:

a. The single-family dwelling shall not contain any accessory lodging units;
b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
c. The lot shall meet the lot area requirement for a two-family dwelling;
d. One off-street parking space shall be provided for the additional dwelling unit; and
e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

[Adopted: 6/12/1995; Ord. No. 95-126-134]

Sec. 30-412.4. Lot area and width; density; unit width.

Lot area and width regulations in the R-6 single-family attached residential district shall be as follows:

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 5,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

(2) *Single-family attached dwellings.* Density, lot area and unit width for single-family attached dwellings shall be as follows:

a. *Density.* The average density within a development site shall not exceed ten dwelling units per acre (see the definition of the term “dwelling, multifamily” in section 30-1220).

b. *Lot area.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area, provided that such area may be reduced when an area equivalent to such reduction is provided in common ownership elsewhere on the development site and is accessible to residents of the lots so reduced in area and is available for their use. Each lot reduced to less than 2,200 square feet in area shall be provided with a private yard adjoining the dwelling unit and containing not less than 500 square feet of usable open space.

c. *Unit width.* No individual attached dwelling unit shall be less than 16 feet in width, provided that the average width of all units attached within a series shall be not less than 20 feet.

(3) *Two-family attached and detached dwellings.* Two-family attached and detached dwellings shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

Sec. 30-412.5. Yards.

Yard regulations in the R-6 single-family attached residential district shall be as follows:

(1) *Uses other than attached dwellings.* Yards for uses other than attached dwellings shall be as follows:

a. *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

b. *Side yards.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).

c. *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter and section 30-680.1).

(2) *Single-family and two-family attached dwellings and buildings accessory thereto.* Yards for single-family and two-family attached dwellings and buildings accessory thereto shall be as follows:

a. *Front yard.* There shall be a front yard with a depth of not less than 15 feet adjacent to public streets, private streets, parking areas and common spaces (see article VI, division 4, of this chapter).

b. *Side yard.* There shall be side yards of not less than three feet in width except where buildings are attached. There shall be a side yard of not less than ten feet in width at each end of a series of attached units (see section 30-620.1(d) and article VI, division 4, of this chapter).

c. *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter and section 30-680.1).

(Code 1993, § 32-412.5; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-412.6. Lot coverage.

Lot coverage in the R-6 single-family attached residential district shall not exceed 55 percent of the area of the lot.

Sec. 30-412.7. Driveways from streets.

No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(Code 1993, § 32-412.7; Ord. No. 2010-18-30, § 1, 2-22-2010)

[**Editor's Note:** Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-412.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-412.7.]

Sec. 30-412.8. Height.

No building or structure in the R-6 single-family attached residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter and section 30-680.1).

DIVISION 7.1. R-7 SINGLE- AND TWO-FAMILY URBAN RESIDENTIAL DISTRICT

Sec. 30-413.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the R-7 single- and two-family urban residential district is to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city. The district regulations are designed to reflect the urban nature of such neighborhoods as characterized by a mixture of detached and attached single- and two-family dwellings situated on small lots with narrow yards and modest setbacks. The district regulations, together with the supplemental regulations of this chapter, are intended to encourage continued improvement and efficient use of existing residential buildings and their accessory structures, while ensuring that infill development will be compatible with the established character.

Sec. 30-413.2. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-7 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;

b. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on the effective date of the ordinance;

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family detached dwellings;

(4) Two-family attached dwellings lawfully existing prior to the effective date of this section.

(Code 1993, § 32-413.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-413.3. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-7 single- and two-family urban residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:

a. The single-family dwelling shall not contain any accessory lodging units;
b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
c. The lot shall meet the lot area requirement for a two-family dwelling;
d. One off-street parking space shall be provided for the additional dwelling unit; and
e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

Sec. 30-413.5. Lot area and lot width.

Lot area and lot width regulations in the R-7 single- and two-family urban residential district shall be as follows (see article VI, division 3, of this chapter):

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,600 square feet in area with a width of not less than 30 feet.

(2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than 18 feet, except that the width of any lot at the end of a series of attached units shall be not less than 21 feet.

(3) *Two-family detached dwellings.* Two-family detached dwellings shall be located on lots of not less than 4,400 square feet in area with a width of not less than 42 feet.

(4) *Two-family attached dwellings.* Two-family attached dwellings shall be located on lots of not less than 4,400 square feet in area with a width of not less than 36 feet.

Sec. 30-413.6. Yards.

Yard regulations in the R-7 single- and two-family urban residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* Side yards shall be provided as follows:

a. *Dwelling uses and buildings accessory thereto.* There shall be side yards of not less than three feet in width except where buildings are attached (see article VI, division 4, of this chapter).

b. *All other uses and buildings.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter and section 30-680.1).

Sec. 30-413.7. Lot coverage.

Lot coverage in an R-7 single- and two-family urban residential district shall not exceed 55 percent of the area of the lot.

Sec. 30-413.8. Driveways from streets.

No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(Code 1993, § 32-413.8; Ord. No. 2010-18-30, § 2, 2-22-2010)

[**Editor's Note:** Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-413.8, which pertained to additional provisions for attached dwellings and derived from Code 1993, § 32-413.8.]

Sec. 30-413.9. Height.

No building or structure in an R-7 single- and two-family urban residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter and section 30-680.1).

DIVISION 7.2.

R-8 URBAN RESIDENTIAL DISTRICT

Sec. 30-413.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the R-8 urban residential district is to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods. The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two and three stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling, through the conditional use permit process, commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

Sec. 30-413.11. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-8 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.

(2) Single-family attached dwellings, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments.

b. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on the effective date of the ordinance creating the R-8 district. ***[NOTE: Adopted R-8 on: 2-22-2010]***

c. A plan of development shall be required as set forth in article X of this chapter for any development with more than eight newly constructed single-family attached dwellings.

(3) Two-family detached dwellings.

(4) Two-family attached dwellings, provided that not more than three two-family dwellings shall be attached laterally in a series.

Sec. 30-413.12. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the R-8 district by conditional use permit as set forth in article X of this chapter:

(1) Multifamily dwellings, not to exceed four dwelling units, located on lots of not less than 1,500 square feet in area for each dwelling unit.

(2) Live/work units, provided that:

a. Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.

b. Space devoted to the nondwelling activity within such unit shall not exceed 40 percent of the total floor area of the unit.

c. The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.

d. There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use and/or storage of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.

(3) The following nondwelling uses occupying the ground floor of existing buildings, provided that the building devoted to any such use was, prior to *(May 19, 1943)*, originally constructed for or converted to commercial use, and provided further that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such use:

a. Art galleries, including custom framing in conjunction therewith.

b. Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.

c. Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

d. Laundromats and laundry and dry cleaning pick-up stations.

e. Offices, including business, professional and administrative offices, and studios of writers, designers and artists engaged in the arts.

f. Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building.

g. Video rental stores.

(4) Dwelling units occupying space above the ground floor of existing buildings devoted to uses specified in subsection (3) of this section, provided that a total of not more than four such dwelling units shall be located in a building and that each dwelling unit shall contain not less than 600 square feet of floor area.

Sec. 30-413.13. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-8 district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:

a. The single-family dwelling shall not contain any accessory lodging units.

b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code.

c. The lot shall meet the lot area requirement for a two-family dwelling.

d. One off-street parking space shall be provided for the additional dwelling unit.

e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

Sec. 30-413.14. Lot area and lot width.

Lot area and lot width regulations in the R-8 district shall be as follows (see article VI, division 3, of this chapter):

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,000 square feet in area. Lot width shall be not less than 25 feet, provided that in any case where an existing lot of record is to be split or subdivided into two or more lots and where, exclusive of such lot, the average width of the lots on the block is greater than 25 feet, the width of each lot created by the lot split or subdivision shall be not less than such average. This lot width provision shall not be applicable in a case where all of the frontage on a block is proposed to be re-subdivided.

(2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than 16 feet, except that the width of any lot at the end of a series of attached units shall be not less than 19 feet.

(3) *Two-family detached and attached dwellings.* Two-family detached dwellings and two-family attached dwellings shall be located on lots of not less than 3,400 square feet in area with a width of not less than 28 feet.

(4) *Maximum lot width for single and two-family dwellings*. No newly created lot devoted to single-family or two-family use shall exceed a width of 45 feet, whether such lot is created by combination of existing lots or by subdivision of any parcel.

Sec. 30-413.15. Yards.

Yard regulations in the R-8 district shall be as follows (see article VI, divisions 4 and 9, of this chapter):

(1) *Front yard.* There shall be a front yard with a depth of not less than 10 feet and not greater than 18 feet, provided that:

a. On an interior lot where an existing building is located on one adjacent lot and there is no building on the other adjacent lot, the front yard shall be the same as the front yard provided for such existing building, except that if 50 percent or more of the lots on the block are developed with buildings having front yards that are not the same as the front yard of the existing building, the average of the front yards provided for all buildings on the block shall be the required front yard.

b. On a corner lot where an existing building is located on the adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, except that if the front yard of the existing building furthest from the street more closely represents the average of the front yards for all buildings on the block, the front yard shall be the same as the front yard provided for the building furthest from the street.

(2) *Side yards.* Side yards shall be provided as follows:

a. *Dwelling uses and buildings accessory thereto.* There shall be side yards of not less than three feet in width except where buildings are attached or where the zero-lot-line option is utilized.

b. *All other uses and buildings.* There shall be side yards of not less than five feet in width.

(3) *Side yard: zero-lot-line option*. One side yard for a single-family detached dwelling may be equal to zero, provided that:

a. The side yard on the opposite side of the same lot shall be not less than six feet in width, and in no case shall the separation between buildings on abutting lots be less than six feet.

b. Not less than 50 percent of the overall depth of the dwelling unit shall be provided along the designated zero-lot-line, and doors, windows or similar openings in the building wall facing the designated zero-lot-line shall comply with the requirements of the uniform statewide building code.

c. A perpetual easement of not less than five feet in unobstructed width shall be provided on the adjacent lot to permit maintenance of structures abutting a zero-lot-line, which easement shall provide for encroachment of siding, belt courses, eaves, gutters, normal roof overhangs and similar architectural features. Such easement and the buildable area of each lot shall be shown on the subdivision plat, if applicable, and shall be described in the deed for each property**.** ***[INTERPRETATION NOTE: Allows accessory to be zero-lot line, too; with easement]***

d. For purposes of this subsection, a margin of error of not greater than two-tenths of one foot shall be applicable to the location of a structure abutting a designated zero-lot-line, provided that any encroachment onto an abutting lot shall be accommodated by a recorded easement.

(4) *Rear yard.* There shall be a rear yard with a depth of not less than five feet.

(5) *Location of accessory buildings*. Except as provided in section 30-680.1 of this chapter, accessory buildings shall be located only in a rear yard as defined in article XII of this chapter, but not within five feet of the rear lot line.
[INTERPRETATION NOTE: Garage cannot be attached or detached in front; must be in back of lot.]

Sec. 30-413.16. Lot coverage.

Lot coverage in an R-8 district shall not exceed 65 percent of the area of the lot.

Sec. 30-413.17. Building orientation to street, and first floor elevation.

(a) *Orientation to the street.* The architectural front of a building shall be oriented to the street and, in the case of a rectilinear street frontage, shall be parallel or nearly parallel to the street. In the case of a corner lot, such orientation shall be to the principal street frontage.

(b) *Two-family dwelling exterior entrances*. In the case of a newly constructed two-family dwelling or conversion of an existing building to a two-family dwelling, there shall be not more than one exterior entrance oriented to a single street frontage, except in a case where an existing building contained more than one exterior entrance oriented to a single street frontage prior to conversion of the building to a two-family dwelling.

(c) *First floor elevation*. The finished elevation of the first floor of a building devoted to dwelling use shall be not less than two feet above the mean grade level at the building facade along the street frontage of the lot or, in the case of a corner lot, along the principal street frontage of the lot.

Sec. 30-413.18. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles, other than permitted driveways from a street, shall be located to the rear of buildings so as not to be visible from the street frontage of the lot. On a lot having more than one street frontage, the provisions of this subsection shall apply only along the principal street frontage of the lot.

(b) *Driveways from streets.* No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

Sec. 30-413.19. Height.

Height regulations in the R-8 district shall be as follows:

(1) *Maximum height in general*. No building shall exceed three stories in height. For purposes of this section, story height as defined in article XII of this chapter and as applicable to dwelling uses shall be not less than ten feet and not greater than 12 feet. (see section 30-680.4 of this chapter)

(2) *Maximum height in special cases.* Where 60 percent or more of the lots on a block are developed with main buildings of less than three stories in height, no building hereinafter constructed on such block shall exceed two stories in height, except that on a lot where a main building on an adjacent lot along the same street frontage exceeds two stories in height, the height limit shall be three stories.

(3) *Minimum height*. Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos, attached garages and carports and similar structures attached to a main building may be of lesser height.

(4) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

(Code 2004, § 30-413.1-.19; Ord. No. 2010-18-30, § 3, 2-22-2010)

DIVISION 8. R-43 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 30-414.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-43 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;

b. Architectural variations shall be provided among units within any series of more than four units;

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family detached dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(5) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(6) Adult day care facilities.

(Code 1993, § 32-414.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-414.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-43 multifamily residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

Sec. 30-414.4. Lot area and width; density; unit width.

(a) Minimum lot areas and lot widths for single-family detached and two-family dwellings and maximum density, minimum lot area and minimum unit width for single-family attached dwellings in the R-43 multifamily residential district shall be as required in the R-6 district and set forth in section 30-412.4.

(b) Multifamily dwellings shall be located on lots of not less than 3,000 square feet in area for each dwelling unit.

Sec. 30-414.5. Yards.

Yard regulations in the R-43 multifamily residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet, except that front yards for single-family attached dwellings fronting on private streets, parking areas and common spaces shall be not less than 15 feet in depth (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-6 district and set forth in section 30-412.5 (see article VI, divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for uses and buildings other than single-family and two-family dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 20 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

Sec. 30-414.6. Usable open space.

In the R-43 multifamily residential district, usable open space of not less than 60 percent of the area of the lot shall be provided for multifamily dwellings (see definition of term in section 30-1220).

Sec. 30-414.6:1. Lot coverage.

Maximum lot coverage in the R-43 multifamily residential district shall not exceed 40 percent of the area of the lot for uses other than multifamily dwellings.

Sec. 30-414.7. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-414.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-414.7.

Sec. 30-414.8. Height.

No building or structure in the R-43 multifamily residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 9. R-48 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 30-416.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-48 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
b. Architectural variations shall be provided among units within any series of more than four units;
c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(5) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
c. No play equipment or structure shall be located within a front yard or a required side yard;

(6) Adult day care facilities.

(Code 1993, § 32-416.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-416.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-48 multifamily residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guests shall not exceed one for each 50 dwelling units within the development.

(3) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:

a. The main building shall not contain any lodging units;
b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;
e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

Sec. 30-416.4. Lot area and width.

(a) Minimum lot areas and lot widths for single-family and two-family dwellings in the R-48 multifamily residential district shall be as required in the R-7 district and set forth in section 30-413.5.

(b) Multifamily dwellings shall be located on lots of not less than 2,200 square feet in area for each dwelling unit.

Sec. 30-416.5. Yards.

Yard regulations in the R-48 multifamily residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet, except that front yards for single-family and two-family dwellings shall be not less than 15 feet in depth (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in section 30-413.6 (see article VI, divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for uses and buildings other than single-family and two-family dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

Sec. 30-416.6. Usable open space.

In the R-48 multifamily residential district, usable open space of not less than 50 percent of the area of the lot shall be provided for multifamily dwellings (see definition of term in section 30-1220).

Sec. 30-416.6:1. Lot coverage.

Maximum lot coverage in the R-48 multifamily residential district shall not exceed 50 percent of the area of the lot for uses other than multifamily dwellings.

Sec. 30-416.7. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-416.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-416.7.

Sec. 30-416.8. Height.

No building or structure in the R-48 multifamily residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 10. R-53 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 30-418.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-53 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
b. Architectural variations shall be provided among units within any series of more than four units;
c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(5) Day nurseries, provided that:
a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
c. No play equipment or structure shall be located within a front yard or a required side yard;

(6) Tourist homes situated on federal highways;

(7) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(8) Adult day care facilities.

(Code 1993, § 32-418.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-418.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-53 multifamily residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:

a. The main building shall not contain any lodging units;
b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;
e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

Sec. 30-418.4. Lot area/and width.

(a) Minimum lot areas and lot widths for single-family and two-family dwellings in the R-53 multifamily residential district shall be as required in the R-7 district and set forth in section 30-413.5.

(b) Multifamily dwellings shall be located on lots of not less than 5,000 square feet in total area and not less than 1,250 square feet in area for each dwelling unit.

Sec. 30-418.5. Yards.

Yard regulations in the R-53 multifamily residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in section 30-413.6 (see article VI, divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for uses and buildings other than single-family and two-family dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

Sec. 30-418.6. Usable open space.

In the R-53 multifamily residential district, usable open space of not less than 40 percent of the area of the lot shall be provided for multifamily dwellings (see section 30-1220).

Sec. 30-418.6:1. Lot coverage.

Maximum lot coverage in the R-53 multifamily residential district shall not exceed 60 percent of the area of the lot for uses other than multifamily dwellings.

Sec. 30-418.7. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-418.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-418.7.

Sec. 30-418.8. Height.

No building or structure in the R-53 multifamily residential district shall exceed 35 feet in height, except that additional height shall be permitted on lots of two acres or more in area, provided that:

(1) No portion of any building shall penetrate inclined planes originating at interior side and rear lot lines or at the centerline of a public alley adjoining any such lot line and extending over the lot at an inclination of one foot horizontal for each one foot vertical.

(2) No portion of any building shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each one foot vertical along any street frontage where a front yard is required and one foot horizontal for each 1 1/2 feet vertical along other street frontages.

(3) No building shall exceed 60 feet in height.

DIVISION 10.1. R-63 MULTIFAMILY URBAN RESIDENTIAL DISTRICT

Sec. 30-419.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the R-63 district is to encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood. The district is intended to be applied within or in close proximity to areas of the city that reflect an urban scale of development and afford convenient access to major employment centers and community facilities, and to encompass undeveloped or underdeveloped properties comprising areas large enough and with sufficient residential density to enable establishment of a cohesive neighborhood. The district regulations permit corner commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood. The district regulations are also intended to promote a streetscape that is urban in character by requiring minimal building setbacks uninterrupted by parking areas along principal street frontages, and to enhance public safety and encourage an active pedestrian environment appropriate to the residential character of the district by providing for windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking, safe vehicular and pedestrian circulation, and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages. (Ord. No. 2006-197-217, § 1, 7-24-2006)

Sec. 30-419.2. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-63 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments.

b. Architectural variations shall be provided among units within any series of more than four units.

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings.

(3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter.

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter.

(5) Dwelling units located in the same building as permitted principal uses on corner lots listed in section 30-419.3(a), provided that such ***[INTERPRETATION NOTE: 3 or more]*** dwelling units shall be subject to all of the requirements of this district applicable to multifamily dwellings.
[INTERPRETATION NOTE: Doesn't permit 1 or 2-units UNLESS have 4,000 sq. ft. of lot area]

(6) Live/work units, provided that:

a. Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.

b. Space devoted to the nondwelling activity within such unit shall not exceed 60 percent of the total floor area of the unit.

c. The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.

d. There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use and/or storage of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.

(7) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard.

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard.

c. No play equipment or structure shall be located within a front yard or a required side yard.

(8) Tourist homes situated on federal highways.

(9) Adult day care facilities.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-419.3. Permitted principal uses on corner lots.

(a) In addition to principal uses permitted by section 30-419.2, the following principal uses shall be permitted on corner lots in the R-63 district subject to the conditions set forth in subsection (b) of this section, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such uses, and provided further that a plan of development shall be required as set forth in article X of this chapter:

(1) Art galleries, including custom framing in conjunction therewith.

(2) Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.

(3) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(4) Laundromats and laundry and dry cleaning pick-up stations.

(5) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No such outside area shall be open to patrons between the hours of 11:00 p.m. and 7:00 a.m.

b. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in an R district other than the R-63 district.

c. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

e. Such outside areas shall be included in calculation of the total floor area devoted to the use.

(6) Video rental stores.

(b) The following conditions shall be applicable to permitted principal uses listed in subsection (a) of this section:

(1) Such uses shall be limited to the ground floor of buildings devoted to other permitted principal uses.

(2) The total floor area devoted to such uses on any lot shall not exceed 1,500 square feet. Additional floor area, not to exceed a total of 5,000 square feet, may be permitted subject to approval of a conditional use permit as set forth in article X of this chapter, provided that off-street parking shall be required in accordance with the provisions of article VII of this chapter for the amount of floor area in excess of 1,500 square feet. (Ord. No. 2011-205-2012-1, 1-9-2012)

(3) Such uses shall occupy the portion of the building located at the street corner. Along the principal street frontage of the lot, such uses shall extend no greater distance from the street corner than the equivalent of 15 percent of the total length of the block along such frontage. (Ord. No. 2006-197-217, § 1, 7-24-2006)

Sec. 30-419.4. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses, shall be permitted in the R-63 multifamily district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) One dwelling unit located in an accessory building which is located on the same lot as a single-family detached dwelling, provided that:

a. The main building shall not contain any lodging units.

b. The lot area requirement applicable to a two-family detached dwelling shall be met.

c. Not less than one off-street parking space shall be provided for such dwelling unit in addition to space required for the single-family dwelling on the property.

d. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

e. A plan of development shall be required as set forth in article X of this chapter.

(4) Parking areas located on lots occupied by permitted principal uses when such parking areas serve dwelling uses located elsewhere in the R-63 district, provided that:

a. The requirements of section 30-710.4 shall be met.

b. When such parking areas are located on lots occupied by single-family or two-family dwellings, parking spaces shall be accessible directly from an abutting alley without provision of access aisles on the lot.

(5) Parking decks, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. (Ord. No. 2011-205-2012-1, 1-9-2012)

b. Except as provided in paragraph (a) of this subsection (5), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Not less than one exit lane and one entrance lane shall be provided, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way.

d. A plan of development shall be required as set forth in article X of this chapter.

(6) Automated teller machines accessible only from the interior of buildings devoted to permitted principal uses listed in section 30-419.3.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

Sec. 30-419.5. Lot area and width.

Lot area and lot width regulations in the R-63 district shall be as follows (see article VI, division 3, of this chapter):

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,000 square feet in area with a width of not less than 25 feet.

(2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than 16 feet, except that the width of any lot at the end of a series of attached units shall be not less than 19 feet. (Code 1993, § 32-413.8; Ord. No. 2010-18-30, § 1, 2-22-2010)

(3) *Two-family detached dwellings.* Two-family detached dwellings shall be located on lots of not less than 3,200 square feet in area with a width of not less than 27 feet.

(4) *Two-family attached dwellings.* Two-family attached dwellings shall be located on lots of not less than 2,600 square feet in area. Lot width shall be not less than 20 feet, except that the width of any lot at the end of a series of attached units shall be not less than 23 feet.

(5) *Multifamily dwellings*. Multifamily dwellings shall be located on lots of not less than 4,000 square feet in total area and not less than 1,000 square feet in area for each dwelling unit.
[INTERPRETATION NOTE: Doesn't permit 1 or 2-units UNLESS have 4,000 sq. ft. of lot area]

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2006-330-2007-12, § 1, 1-8-2007; § Ord. No. 2010-18-30, § 1, 2-22-2010; (Code 1993, § 32-413.8; Ord. No. 2010-18-30, § 1, 2-22-2010)

Sec. 30-419.6. Yards.

Yard regulations in the R-63 district shall be as follows (see article VI, divisions 3, 4 and 9 of this chapter):

(1) *Front yard.* No front yard shall be required. In no case shall a front yard with a depth of greater than 15 feet be permitted for a main building.

(2) *Side yards.*

a. *Single-family and two-family dwellings and buildings accessory thereto*. There shall be side yards of not less than three feet in width except where buildings are attached.

b. *All other uses and buildings*. There shall be side yards of not less than five feet in width.

(3) *Rear yard.*

a. *Single-family and two-family dwellings and buildings accessory thereto*. There shall be a rear yard of not less than five feet in depth.

b. *All other uses and buildings*. There shall be a rear yard of not less than 15 feet in depth.

(4) *Spaces between buildings on the same lot*.

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2006-330-2007-12, § 1, 1-8-2007)

Sec. 30-419.7. Usable open space.

In the R-63 district, usable open space of not less than 30 percent of the area of the lot shall be provided for multifamily dwellings (see definition of term in section 30-1220).

(Ord. No. 2006-197-217, § 1, 7-24-2006)

Sec. 30-419.8. Lot coverage.

In the R-63 district, lot coverage for uses other than multifamily dwellings shall not exceed 65 percent of the area of the lot.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

Sec. 30-419.9. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles, other than permitted driveways from a street, shall be located to the rear of buildings so as not to be visible from the street frontage of the lot. On a lot having more than one street frontage, the provisions of this paragraph shall apply only along the principal street frontage of the lot as defined in article XII of this chapter.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this provision, principal street frontage shall be as defined in article XII of this chapter.

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

Sec. 30-419.10. Height.

Height regulations in the R-63 district shall be as follows:

(1) *Maximum height in general.* No building or structure shall exceed three stories in height, except as set forth in paragraphs (2) and (3) of this section. For purposes of this section 30-419.10, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 14 feet, except as provided in paragraphs (2) and (3) of this section.

(2) *Maximum height in special cases.* A maximum height of four stories shall be permitted in the case of a building in which not less than 50 percent of the area of the ground floor is devoted to accessory parking deck use in compliance with the provisions of section 30-419.4(5), provided that in such case no story shall exceed ten feet in height.

(3) *Additional height on corner lots.* Additional height not to exceed a total height of four stories shall be permitted on a corner lot, provided that along the principal street frontage of the corner lot, such additional height shall be permitted only within a distance from the corner equivalent to 15 percent of the total length of the block along such frontage, and provided further that in the case of a four story building no story shall exceed 12 feet in height.

(4) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(5) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building façade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building façade along the principal street frontage of the lot.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2006-330-2007-12, § 1, 1-8-2007; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-419.11. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the R-63 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot.

(1) *Street level story.*

a. *Uses permitted only on corner lots.* For principal uses that are permitted only on corner lots and listed in section 30-419.3, a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building facade along the street frontage of the lot, a minimum of 30 percent of the building facade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1)(a) shall not apply.

b. *Dwelling uses.* For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views into and out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1) b shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.* For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. The types of permitted windows shall be as specified in subsection (1) b of this section.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 11. R-73 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 30-420.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-73 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;

b. Architectural variations shall be provided among units within any series of more than four units;

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(5) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(6) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(7) Tourist homes situated on federal highways;

(8) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(9) Parking decks serving uses permitted in this district, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(11) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(12) Adult day care facilities.

(Code 1993, § 32-420.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-420.1:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the R-73 multifamily residential district by conditional use permit as set forth in article X of this chapter:

(1) Adult care residences.

(2) Group homes.

(3) Lodginghouses.

Sec. 30-420.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-73 multifamily residential district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) Incidental uses located within multifamily dwellings, nursing homes and office buildings, designed and scaled for the convenience of the occupants thereof, and including shops for the sale of convenience goods, eating and drinking establishments, automated teller machines and personal service establishments, provided that:

a. There shall be no advertising signs, displays, show windows or automated teller machines visible from the exterior of the building.

b. There shall be no direct public entrance to such uses from the exterior of the building.

c. The aggregate floor area devoted to such uses shall not exceed five percent of the total floor area of the building in which they are located.

(4) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building nor shall there be any direct public entrance to such uses from the exterior of the building.

(5) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:

a. The main building shall not contain any lodging units;

b. There shall be no enlargement of the accessory building, except for ingress and egress improvements required by the Virginia Uniform Statewide Building Code;

c. Lot area, floor area and usable open space requirements, where applicable, shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;

d. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;

e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and

f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(Code 1993, § 32-420.2; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-420.4. Lot area and width.

In the R-73 multifamily residential district, minimum lot areas and lot widths for single-family and two-family dwellings shall be as required in the R-7 district and set forth in section 30-413.5.

Sec. 30-420.5. Yards.

Yard regulations in the R-73 multifamily residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in section 30-413.6 (see article VI, divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

Sec. 30-420.6. Floor area and usable open space.

The following floor area and usable open space ratios shall be applicable to uses other than single-family and two-family dwellings in the R-73 multifamily residential district (see definition of term in section 30-1220):

(1) *Floor area ratio.* The floor area ratio shall not exceed 2.0, provided that the floor area ratio of buildings or portions thereof devoted to nondwelling uses shall not exceed 1.4.

(2) *Usable open space ratio.* A usable open space ratio of not less than 0.25 shall be provided for dwelling uses.

Sec. 30-420.7. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-420.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-420.7.

Sec. 30-420.8. Height.

No building or structure in the R-73 multifamily residential district shall exceed 150 feet in height, provided that no portion of a building shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each two feet vertical along any street frontage where a front yard is required and one foot horizontal for each three feet vertical along other street frontages.

DIVISION 12. R-MH MOBILE HOME DISTRICT

Sec. 30-422.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-MH district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1, subject to all requirements applicable to such uses in the R-6 district as set forth in division 7 of this article;

(2) Manufactured home subdivisions on sites of not less than eight acres in area subject to all requirements applicable to single-family detached dwellings in the R-6 district as set forth in division 7 of this article;

(3) Manufactured home parks on sites of not less than eight acres in area, provided that a plan of development shall be required as set forth in article X of this chapter.

(Code 1993, § 32-422.1; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-MH district:

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2;

(2) Uses and structures accessory to manufactured home subdivisions, manufactured home parks and individual manufactured home units, including awnings, porches, carports, parking areas, service buildings, rental management offices, maintenance and storage buildings, recreational facilities, community buildings and other uses for the convenience of residents.

(Code 1993, § 32-422.2; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.4. Density and size of unit spaces within manufactured home parks.

The density and size of unit space within manufactured home parks in the R-MH district shall be as follows:

(1) *Density.* The maximum density within a manufactured home park shall not exceed eight units per acre.

(2) *Unit space area.* Individual spaces for manufactured home units shall be not less than 3,000 square feet in area.

(3) *Unit space width.* Individual spaces for mobile home units shall be not less than 40 feet in width.

(Code 1993, § 32-422.4; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.5. Yards within manufactured home parks.

Regulations for yards within manufactured home parks in the R-MH district shall be as follows:

(1) No manufactured home space or accessory building shall be located within 25 feet of any public street or any exterior boundary of a manufactured home park.

(2) No manufactured home unit or accessory building shall be located within 15 feet of any private street or access drive.

(3) No manufactured home unit shall be located within 15 feet of any other manufactured home unit or accessory building.

(Code 1993, § 32-422.5; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.6. Recreation space.

Outdoor recreation space totaling not less than 250 square feet in area for each manufactured home space within a manufactured home park shall be provided within such park.

(Code 1993, § 32-422.6; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.7. Screening.

Manufactured home parks shall be effectively screened from abutting properties in R and RO districts by evergreen vegetative or structural fences or screens not less than 4 1/2 feet in height.

(Code 1993, § 32-422.7; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.8. Height.

No building or structure within a manufactured home park shall exceed 25 feet in height.

(Code 1993, § 32-422.8; Ord. No. 2004-180-167, § 1, 6-28-2004)

DIVISION 13. RO-1 RESIDENTIAL-OFFICE DISTRICT

Sec. 30-424.1. Permitted principal uses.

The uses of buildings and premises listed in this section shall be permitted in the RO-1 district.

A plan of development shall be required as set forth in article X of this chapter for all uses permitted in this district unless indicated otherwise in this section.

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1, subject to plan of development requirements applicable in such district;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such development;

b. Architectural variations shall be provided among units within any series of more than four units;

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family detached dwellings, provided that a plan of development shall not be required when no more than one main building is to be located on a lot;

(4) Multifamily dwellings, provided that a plan of development shall not be required when no more than one main building and no more than ten dwelling units are to be located on a lot;

(5) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(6) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises;

(7) Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;

(8) Funeral homes, provided that:

a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;

b. Adequate space shall be provided on the premises for the formation of funeral processions, and no such activity shall take place on public streets;

(9) Communications centers and telephone repeater stations operated by public service corporations provided that a plan of development shall not be required;

(10) Adult day care facilities.

(Code 1993, § 32-424.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-424.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses, shall be permitted in the RO-1 residential-office district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

Sec. 30-424.4. Lot area and width; density; unit width.

(a) In the RO-1 residential-office district, minimum lot areas and lot widths for single-family detached and two-family dwellings and maximum density, minimum lot area and minimum unit width for single-family attached dwellings shall be required in the R-6 district and set forth in section 30-412.4.

(b) Multifamily dwellings shall be located on lots of not less than 3,000 square feet in area for each dwelling unit.

Sec. 30-424.5. Yards.

Yard regulations in the RO-1 residential-office district shall be as follows.

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet, except that front yards for single-family attached dwellings fronting on private streets, parking areas and common spaces shall be not less than 15 feet in depth (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-6 district and set forth in section 30-412.5 (see article VI, divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 20 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

Sec. 30-424.6. Usable open space.

In the RO-1 residential-office district, usable open space of not less than 60 percent of the area of the lot shall be provided for multifamily dwellings (see definition of term in section 30-1220).

Sec. 30-424.6:1. Lot coverage.

Maximum lot coverage in the RO-1 residential-office district shall not exceed 40 percent of the area of the lot for uses other than multifamily dwellings.

Sec. 30-424.7. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-424.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-424.7.

Sec. 30-424.8. Height.

No building or structure in the RO-1 residential-office district shall exceed 25 feet in height (see article VI, division 6, of this chapter).

DIVISION 14. RO-2 RESIDENTIAL-OFFICE DISTRICT

Sec. 30-426.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the RO-2 district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;

b. Architectural variations shall be provided among units within any series of more than four units;

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(5) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(6) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(7) Tourist homes situated on federal highways;

(8) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(9) Parking decks serving uses permitted in this district, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(11) Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;

(12) Banks and savings and loan offices, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that when any bank or savings and loan office includes drive-up facilities or an automated teller machine accessible from the exterior of the building, the following conditions shall apply:

a. No such use shall be located on a transitional site.

b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city’s master plan;

c. The floor area of the building devoted to such use shall not exceed 2,500 square feet, and not more than two drive-up teller lanes shall be provided on the premises;

d. A plan of development shall be required as set forth in article X of this chapter;

(13) Funeral homes, provided that:

a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city’s master plan;

b. Adequate space shall be provided on the premises or immediately adjacent thereto for the formation of funeral processions, and no such activity shall take place on public streets;

c. A plan of development shall be required as set forth in article X of this chapter;

(14) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city’s master plan, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(16) Communications centers and telephone repeater stations operated by public service corporations, provided that a plan of development shall be required as set forth in article X of this chapter;

(17) Adult day care facilities.

(Code 1993, § 32-426.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-426.1:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the RO-2 residential-office district by conditional use permit as set forth in article X, division 5.1, of this chapter:

(1) Adult care residences.

(2) Group homes.

(3) Lodginghouses.

Sec. 30-426.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the RO-2 residential-office district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.

(3) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building, nor shall there be any direct public entrance to such uses from the exterior of the building.

(4) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:

a. The main building shall not contain any lodging units;

b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;

c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;

d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;

e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and

f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(Code 1993, § 32-426.2; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-426.4. Lot area and width.

(a) In the RO-2 residential-office district, minimum lot areas and lot widths for single-family and two-family dwellings shall be as required in the R-7 district and set forth in section 30-413.5.

(b) Multifamily dwellings shall be located on lots of not less than 5,000 square feet in total area and not less than 1,250 square feet in area for each dwelling unit.

Sec. 30-426.5. Yards.

Yard regulations in the RO-2 residential-office district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet, except that front yards for single-family attached dwellings fronting on private streets, parking areas and common spaces shall be not less than 15 feet in depth (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in section 30-413.6 (see article VI divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth, provided that no side yard shall be required where buildings on abutting lots are attached by means of a party wall constructed along a mutual side lot line.

c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

Sec. 30-426.6. Usable open space.

In the RO-2 residential-office district, usable open space of not less than 40 percent of the area of the lot shall be provided for multifamily dwellings, nursing homes, adult care residences, group homes and lodginghouses (see definitions of terms in section 30-1220).

Sec. 30-426.6:1. Lot coverage.

Maximum lot coverage in the RO-2 residential-office district shall not exceed 60 percent of the area of the lot for uses other than multifamily dwellings, nursing homes and lodginghouses.

Sec. 30-426.7. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-426.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-426.7.

Sec. 30-426.8. Height.

No building or structure in the RO-2 residential-office district shall exceed 35 feet in height, except that additional height shall be permitted on lots of two acres or more in area, provided that:

(1) No portion of any building shall penetrate inclined planes originating at interior side and rear lot lines or at the centerline of a public alley adjoining any such lot line and extending over the lot at an inclination of one foot horizontal for each one foot vertical.

(2) No portion of any building shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each one foot vertical along any street frontage where a front yard is required and one foot horizontal for each 1 1/2 feet vertical along other street frontages.

(3) No building shall exceed 60 feet in height.

DIVISION 15. RO-3 RESIDENTIAL-OFFICE DISTRICT

Sec. 30-428. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the RO-3 Residential-Office District is to encourage a high-quality, walkable urban neighborhood with a variety of office and residential uses. Commercial uses located within the district shall be clearly incidental to other primary uses, though welcoming to the general public. The district is intended to promote pedestrian traffic and reduce the effect of vehicular traffic by prohibiting surface parking lots as a permitted principal use, screening accessory parking lots and parking decks, and reducing driveways across sidewalks. Required front and side yard setbacks create spaces between buildings that soften the streetscape and provide space for landscaping and usable open space. The district regulations are also intended to enhance public safety and encourage an active urban environment by providing windows in building façades along street frontages. (Ord. No. 2019-169, §2, 7-22-2019)

Sec. 30-428.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the RO-3 district:

(1) Any principal use permitted in the R-1 district as set forth in Section 30-402.1;

(2) Dwelling units;

(3) Nursing homes, provided that a plan of development shall be required as set forth in Article X of this chapter;

(4) Day nurseries;

(5) Tourist homes;

(6) Parking decks and parking garages serving uses permitted in this district, provided that the following conditions shall apply:

a. No portion of the ground floor of such structure located along a principal or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage having less than five feet of its height above the grade level of the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-428.10.

b. Except as provided in paragraph (a) of this subsection, parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. A plan of development shall be required as set forth in Article X of this chapter;

(7) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in Article X of this chapter;

(8) Lodges and similar meeting places;

(9) Banks and savings and loan offices, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses;

(10) Uses owned and operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment, or housing of persons who are currently using or are addicted to a controlled substance as defined in Code of Virginia,§ 54.1-3401;

(11) Wireless communication facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of Article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(12) Hotels provided that the following conditions shall apply:

a. No such use shall be located on a transitional site.

b. A plan of development shall be required as set forth in Article X of this chapter;

(13) Adult day care facilities;

(14) Art galleries;

(15) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned and operated by a governmental agency or a nonprofit organization, and other uses required for the performance of a governmental function.

(Code 1993, § 32-428.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2007-338-2008-11, § 1, 1-14-2008, Ord. No. 2019-169, § 1, 7-22-2019)

Sec. 30-428.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the RO-3 residential-office district by conditional use permit as set forth in article X of this chapter:

(1) Adult care residences.

(2) Group homes.

(3) Lodginghouses.

Sec. 30-428.3. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the RO-3 residential-office district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Dwelling units within accessory buildings. (Ord. No. 2019-169, §1, 7-22-2019)

(3) Incidental uses located within multifamily dwellings, hotels, motels and office buildings designed and scaled for the convenience of the occupants thereof, including shops for the sale of convenience goods, eating and drinking establishments, automated teller machines and personal service establishments, provided that the following conditions shall apply::

a. Such uses are also intended for use by the general public with direct entrances from the street.

b. There are direct public entrances to such uses from the exterior and the interior of the building.

c. Such uses shall not exceed 1,500 square feet of floor area, but such calculations shall not include outdoor dining areas.

d. Outdoor dining areas shall not exceed 500 square feet.

(Code 1993, § 32-428.3; Ord. No. 2006-43-63, § 1, 3-13-2006, Ord. No. 2019-169, §1, 7-22-2019)

Sec. 30-428.5. Lot area and width.

Minimum lot areas and lot widths for single-family and two-family dwellings shall be as required in the R-7 district and set forth in section 30-413.5. (Code 1993, § 32-428.5; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-428.6. Yards.

Yard regulations in the RO-3 residential-office district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in section 30-413.6.

b. Side and rear yards for multifamily dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

c. Side and rear yards for uses and buildings other than single-family, two-family and multifamily dwellings and buildings accessory thereto shall be not less than ten feet in depth.

(Ord. No. 2019-169, §1, 7-22-2019)

Sec. 30-428.7. Floor area and usable open space.

The following floor area and usable open space ratios shall be applicable to uses other than single-family and two-family dwellings in the RO-3 residential-office district (see section 30-1220):

(1) *Floor area ratio.* The floor area ratio shall not exceed 4.6, provided that additional floor area shall be permitted for nondwelling uses as set forth in section 30-690.

(2) *Usable open space ratio.* A usable open space ratio of not less than 0.10 shall be provided for dwelling uses.

Sec. 30-428.8. Land area coverage.

In the RO-3 residential-office district, portions of buildings over 35 feet in height shall occupy not more than 35 percent of land area (see the definition of the term “land area” in section 30-1220).

Sec. 30-428.9. Height.

In the RO-3 residential-office district, there shall be no maximum height limit, provided that no portion of a building shall penetrate inclined planes originating at the centerlines of abutting streets and extending over the lot at an inclination of one foot horizontal for each three feet vertical along any street frontage where a front yard is required and one foot horizontal for each four feet vertical along other street frontages and provided, further, that such planes may be penetrated by building walls adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply along both the principal street frontage of the lot and the priority street frontage, if applicable.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage or priority street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in Article VII, Division 2.1 of this chapter.

(Ord. No. 2019-169, §2, 7-22-2019)

Sec. 30-428.11. Building façade fenestration.

Fenestration requirements applicable to building façades along street frontages in the RO-3 Residential-Office District shall be as set forth in this section. On a lot having more than one street frontage, this section shall apply along both the principal street frontage and priority street frontage.

(a) *Street level story.*

(1) *Non-dwelling uses.* For non-dwelling uses other than those listed in subsections 30-428.1(2), 30-428.1(5), 30-428.1(8), 30-428.1(10), 30-428.1(14), and 30-428.1(15), a minimum of 60 percent of the building façade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (a)(1) shall not apply.

(2) D*welling uses.* For dwelling uses and tourist homes, windows or glass doors, or both, that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (b)(1) shall not apply. In all cases, windows shall be double-hung, single-hung, awning, or casement type and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(b) *Upper stories.*

(1) *Non-dwelling uses.* For non-dwelling uses other than those listed in subsection (a)(1) of this section, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story.

(2) *Dwelling uses.* For dwelling uses and tourist homes, windows or glass doors, or both, that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning, or casement type and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2019-169, §2, 7-22-2019)

DIVISION 16. HO HOTEL-OFFICE DISTRICT

Sec. 30-430.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the HO district:

(1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;

(2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:

a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;

b. Architectural variations shall be provided among units within any series of more than four units;

c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;

(3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;

(5) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(6) Tourist homes situated on federal highways;

(7) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(8) Parking decks serving uses permitted in this district, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(9) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(10) Private schools offering instruction in skills practiced in connection with the operation of uses permitted in this district;

(11) Lodges and similar meeting places;

(12) Banks and savings and loan offices, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses provided that when any bank or savings and loan office includes drive-up facilities or an automated teller machine accessible from the exterior of the building, the following conditions shall apply:

a. No such use shall be located on a transitional site;

b. The floor area of the building devoted to such use shall not exceed 2,500 square feet, and not more than two drive-up teller lanes shall be provided on the premises;

c. A plan of development shall be required as set forth in article X of this chapter;

(13) Funeral homes, provided that:

a. Adequate space shall be provided on the premises for the formation of funeral processions, and no such activity shall take place on public streets;

b. A plan of development shall be required as set forth in article X of this chapter;

(14) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(16) Communications centers and telephone repeater stations operated by public service corporations, provided that a plan of development shall be required as set forth in article X of this chapter;

(17) Hotels and motels, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. A plan of development shall be required as set forth in article X of this chapter;

(18) Adult day care facilities.

(Code 1993, § 32-430.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

Sec. 30-430.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the HO hotel-office district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Retail stores and shops, eating and drinking establishments, entertainment and recreational uses, personal service establishments, automated teller machines accessible only from the interior of buildings, travel agencies and airline ticket offices; when such uses are located within office buildings, multi-family dwellings, apartment hotels, hotels, motels, hospitals or parking garages; provided that the aggregate floor area devoted to such uses shall not exceed ten percent of the total floor area of the building in which they are located.

(Code 1993, § 32-430.2; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-430.4. Lot area and width.

Minimum lot areas and lot widths for single-family and two-family dwellings shall be as required in the R-7 district and set forth in section 30-413.5.

(Code 1993, § 32-430.4; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-430.5. Yards.

Yard regulations in the HO hotel-office district shall be as follows:

(1) *Front yard.* No front yard shall be required for nondwelling uses. Buildings or portions thereof devoted to dwelling uses shall have front yards of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* No side or rear yard shall be required for portions of buildings 35 feet or less in height devoted to nondwelling uses. Side and rear yards adjacent to portions of buildings over 35 feet in height or portions of buildings devoted to dwelling uses shall be not less than 15 feet in depth, provided that side and rear yards for single-family and two-family dwellings shall be as required in the R-7 district and set forth in section 30-413.6.

(3) *Spaces between buildings on same lot.* Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

Sec. 30-430.6. Floor area and usable open space.

In the HO hotel-office district, the following floor area and usable open space ratios shall be applicable to uses other than single-family and two-family dwellings (see section 30-1220):

(1) *Floor area ratio.* The floor area ratio shall not exceed 4.6, provided that additional floor area shall be permitted for nondwelling uses as set forth in section 30-690.

(2) *Usable open space ratio.* A usable open space ratio of not less than 0.10 shall be provided for dwelling uses.

Sec. 30-430.7. Land area coverage.

In the HO hotel-office district, portions of buildings over 35 feet in height shall occupy not more than 35 percent of land area (see the definition of the term “land area” in section 30-1220).

Sec. 30-430.8. Height.

In the HO hotel-office district, there shall be no maximum height limit, provided that no portion of a building shall penetrate inclined planes originating at the centerlines of abutting streets and extending over the lot at an inclination of one foot horizontal for each three feet vertical along any street frontage where a front yard is required and one foot horizontal for each four feet vertical along other street frontages and provided, further, that such planes may be penetrated by building walls adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street.

DIVISION 17. I INSTITUTIONAL DISTRICT

Sec. 30-432.1. Permitted principal uses.

The uses of buildings and premises listed in this section shall be permitted in the I district, subject to the master plan requirements set forth in this division.

A plan of development shall be required as set forth in article X of this chapter for any use other than: a single-family detached dwelling; a parking area that constitutes a principal use; a right-of-way, easement or appurtenance for public utilities or public transportation; or a use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Single-family detached dwellings, provided that the regulations applicable to such uses in the R-5 district shall be met;

(2) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;

c. No play equipment or structure shall be located within a front yard or a required side yard;

(3) Churches, chapels, convents, monasteries and other places of worship, adjunct residential and administrative facilities and other uses operated by, and in conjunction with, religious institutions;

(4) Public and private nonprofit schools and educational institutions, including dormitory, fraternity and sorority houses, classroom, administrative, recreational and student service facilities owned by or operated under the control of such school or institution, provided that no outdoor stadium or grandstand having a seating capacity in excess of 2,500 persons shall be permitted, and provided further that an indoor arena or auditorium having a seating capacity in excess of 2,500 persons shall be used only for educational, religious, cultural, civic, athletic and entertainment activities sponsored by or under the control of such institution, its student government, alumni association or other university i.e., public and private nonprofit schools and educational institutions) related organization;

(5) Libraries, museums and similar uses operated by public or nonprofit agencies;

(6) Hospitals, public health clinics, adult care residences, group homes, adult day care facilities and nursing homes;

(7) Philanthropic, charitable and eleemosynary institutions, including social service delivery uses operated by such institutions;

(8) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(9) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(10) Parking decks serving uses permitted in this district, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

(11) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, utility storage yards and similar uses;

(12) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(Code 1993, § 32-432.1; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-432.2. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the I district (see article VI, division 9, of this chapter):

(1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.

(2) Automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units, provided there shall be no signs or other evidence of an automated teller machine visible from the exterior of the building.

(Code 1993, § 32-432.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-432.3. Master plan requirements.

The planning commission shall not recommend to the council inclusion of any property in the I institutional district until a master plan for development of the property involved has been approved by the commission. Such master plan shall be submitted to the commission by the owner of the property at least 30 days prior to the introduction of the ordinance to include the property in the I district. The plan shall constitute a scaled graphic representation of the following information together with necessary explanatory material:

(1) The boundaries of the area involved and the ownership of properties contained therein, as well as all existing public streets and alleys within and adjacent to the site.

(2) The location and use of all existing buildings on the site, as well as the approximate location, height, dimensions and general use of all proposed buildings or major additions to existing buildings. If a site is in excess of ten acres, only the location and use of existing buildings and the general location, extent and use of proposed buildings or major additions to existing buildings need be shown.

(3) The location of all existing parking facilities and the approximate location of all proposed parking facilities, including the approximate number of parking spaces at each location and all existing and proposed means of vehicular access to parking areas and to public streets and alleys. Any proposed changes in the location, width or character of public streets and alleys within and adjacent to the site shall also be shown on the plan.

(4) The general use of major existing and proposed open spaces within the site and specific features of the plan, such as screening, buffering or retention of natural areas, which are intended to enhance compatibility with adjacent properties.

Sec. 30-432.4. Action of planning commission.

(a) The planning commission shall approve the master plan when it finds, after receiving a report from the Director of planning and development review and after holding a public hearing thereon, that the development shown on the master plan is in compliance with the requirements of the I institutional district and other applicable sections of this chapter and that such development will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property; will not unreasonably impair an adequate supply of light and air to adjacent property; will not unreasonably increase congestion in streets; will not increase public danger from fire or otherwise unreasonably affect public safety; and will not diminish or impair the established values of property in surrounding areas; otherwise, the commission shall disapprove the plan.

(b) The action of the commission shall be based upon a finding of fact which shall be reduced to writing and preserved among its records. The commission shall submit to the council a copy of its findings and a copy of the master plan, together with its recommendation relative to the ordinance to include the property in the I district.

Sec. 30-432.5. Compliance with master plan.

Upon submission of a master plan for institutional development as set forth in this division and inclusion of the property in an I institutional district, no plan of development as set forth in article X of this chapter shall be approved nor shall any building permit or occupancy permit be issued unless such is deemed to be in compliance with this chapter and substantially in accordance with the submitted master plan or subsequent amendment thereto.

Sec. 30-432.7. Yards.

Yard regulations in the I institutional district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet, provided that within 50 feet of an adjoining lot in an R or RO district, the minimum front yard requirement of such R or RO district shall be applicable (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards for uses other than single-family dwellings and day nurseries shall be not less than 15 feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 20 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

Sec. 30-432.8. Lot coverage.

Maximum lot coverage in the I institutional district shall not exceed 50 percent of the area of the lot.

Sec. 30-432.9. Height.

There shall be no maximum height limit in the I institutional district, provided that:

(1) No portion of any building shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each one foot vertical along any street frontage where a front yard is required and one foot horizontal for each 1 1/2 feet vertical along other street frontages.

(2) No portion of any building shall penetrate inclined planes originating ten feet inside of and 35 feet above interior side and rear lot lines coincidental with or across an alley from any boundary of this district, such planes running the entire length of the lot lines and extending over the district at an inclination of one foot horizontal for each one foot vertical.

DIVISION 18. UB URBAN BUSINESS DISTRICT

Sec. 30-433.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the UB urban business district is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

Sec. 30-433.2. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the UB district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development as set forth in article X of this chapter shall be required for such uses as specified in this section, and for construction of any new building or any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Art galleries;

(3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(4) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;

(5) Contractors' shops, service and supply establishments, wholesale and distribution establishments and similar uses, provided that the following conditions shall be met:

a. Portions of buildings adjacent to street frontages shall be devoted to office, showroom, display or other facilities accessible to the public, except that on a corner lot this provision shall apply only to the principal street frontage;

b. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;

c. There shall be no outside storage of equipment, materials or supplies;

d. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use;

(6) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(7) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight;

(8) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

(9) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(10) Laundromats and laundry and dry cleaning pick-up stations;

(11) Libraries, museums, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(12) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(13) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(14) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(15) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

b. Except as provided in paragraph (a) of this subsection (15), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

d. A plan of development shall be required as set forth in article X of this chapter;

(Ord. No. 2011-205-2012-1, 1-9-2012)

(16) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(17) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(18) Postal and package mailing services, but not including package distribution centers;

(19) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(20) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(21) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises;

(22) Retail stores and shops;

(23) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(24) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(25) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(26) Shopping centers containing uses permitted in this district;

(27) Tourist homes;

(28) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of sections 30-692.1 through 30-692.6, provided that a plan of development shall be required as set forth in article X of this chapter;

(29) Accessory uses and structures, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-433.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-433.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the UB district by conditional use permit as set forth in article X of this chapter:

(1) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

30-433.4. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-433.3, which pertained to plan of development requirements and derived from Code 1993, § 32-433.3.

Sec. 30-433.5. Yard requirements.

The following yard requirements shall be applicable in the UB urban business district (see article VI, division 4, of this chapter for supplemental yard regulations):

(1) *Front yard.* No front yard shall be required, except that no newly constructed building or addition to an existing building shall extend closer to the street than any building on an abutting lot. In no case shall a front yard greater than 15 feet in depth be required on any lot.

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district, there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-433.6. Screening requirements.

(a) In the UB urban business district, where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen of not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall of not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(b) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-433.7. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles in the UB urban business district shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter.

Sec. 30-433.8. Height limit.

In the UB urban business district, no building or structure shall exceed 28 feet in height (see article VI, division 6, of this chapter for height exceptions).

DIVISION 18.1. UB-2 URBAN BUSINESS DISTRICT

Sec. 30-433.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the UB-2 urban business district is to encourage business areas with mixed uses and a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to be more intensive and more mixed use in character than the UB urban business district. It is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas, and to promote continuity of building setbacks and heights and to encourage an active pedestrian environment by providing for windows in building facades along principal street frontages. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.11. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the UB-2 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development as set forth in article X of this chapter shall be required for such uses as specified in this section, and for construction of any new building or any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Art galleries;

(3) Banks, savings and loan offices and similar financial services, including accessory ATM’s accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any ATM accessible from the exterior of a building;

(4) Catering businesses;

(5) Day nurseries licensed by and subject to the requirements of the state department of social services;

(6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight;

(7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other permitted principal uses, and such uses shall have a depth of not less than 20 feet along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);
(Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2011-205-2012-1, 1-9-2012)

(8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(9) Hotels, provided that:

a. No such use shall be located on a transitional site.

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (2), (3), (8), (16), (22) or (23) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. (Ord. No. 2011-205-2012-1, 1-9-2012)

d. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2009-40-57, § 1, 4-27-2009)

(10) Laundromats and dry cleaning pick up stations;

(11) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(11.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(12) Office supply, business and office service, photocopy and custom printing establishments;

(13) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts;

(14) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(15) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. (Ord. No. 2011-205-2012-1, 1-9-2012)

b. Except as provided in paragraph (a) of this subsection (15), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way.

d. A plan of development shall be required as set forth in article X of this chapter.

(16) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(17) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(18) Postal and package mailing services, but not including distribution centers;

(19) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(20) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(21) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(22) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district.

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(23) Retail stores and shops;

(24) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a government agency;

(25) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(26) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced;

(27) Shopping centers containing uses permitted in this district;

(28) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(29) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia;

(30) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of sections 30-692.1--30-692.6 of this chapter, provided that a plan of development shall be required as set forth in article X of this chapter;

(31) Accessory uses and structures, including ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.11.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the UB-2 district by conditional use permit as set forth in article X of this chapter:

(1) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-433.12. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the UB-2 district shall be subject to the provisions of section 30-800.1 of this chapter.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.13. Yard requirements.

The following yard requirements shall be applicable in the UB-2 urban business district (see article VI, division 4, of this chapter for supplemental yard regulations):

(1) *Front yard.*

a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.

b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-433.11 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

e. A building entrance feature that is set back from the street a greater distance than the primary building facade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district, there shall be a rear yard of not less than 20 feet in depth.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.14. Screening requirements.

(a) In the UB-2 urban business district, where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen of not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall of not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(b) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.15. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles in the UB-2 urban business district shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (1) and (2) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.16. Height limit.

Height regulations in the UB-2 district shall be as follows:

(1) *Maximum height in general.* No building shall exceed three stories in height, provided that where an existing building on the same lot or on an adjacent lot along the same street frontage is greater than three stories in height, no building shall exceed four stories in height. For purposes of this section 30-433.16, story height as defined in Article XII of this chapter shall be not less than ten feet and not greater than 14 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Maximum height in special cases.*

a. Where greater than 50 percent of the lineal block frontage is comprised of lots occupied by existing buildings of greater than three stories in height, the maximum permitted height shall be four stories.

b. Where there are no buildings existing on an entire block at the time of development, or where there are existing buildings to be retained and vacant land to be developed on an entire block, and where the entire block is to be developed under the same ownership or control pursuant to an overall development plan, the maximum permitted height shall be four stories.

(Ord. No. 2010-19-31, § 3, 2-22-2010)

(3) *Maximum roofline limited to roofline nearest to street frontage.* In any case where a newly constructed building or addition to an existing building is permitted to exceed three stories in height pursuant to subsections (1) or (2)(a) of this section, the roofline nearest to the street frontage of the lot shall be the maximum permitted roofline of the building.

(4) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height. [Ord. No. 2010-177-173, § 1, 10-11-2010]

(5) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building façade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building façade along the principal street frontage of the lot.

[Ord. No. 2008-2-55, § 1, 3-24-2008, Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-433.17. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the UB-2 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot.

(1) *Street level story.*

For nondwelling uses, other than those listed in subsections 30-433.11 (1), (5), (11) and (29), a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1) shall not apply.

(Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Upper stories.*

a. *Nondwelling uses*. For nondwelling uses, other than those listed in subsections 30-433.11 (1), (5), (11) and (29), windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses*. For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2008-2-55, § 1, 3-24-2008; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 19. B-1 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 30-434.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-1 district, provided that: drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district; no newly constructed building shall contain more than 10,000 square feet of floor area; and the distribution of products or the conduct of services off the premises shall not involve the use of more than two delivery vehicles nor any vehicle having an empty weight exceeding 6,500 pounds:

(1) Adult day care facilities;

(2) Art galleries;

(3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(5) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

(8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(9) Laundromats and laundry and dry cleaning pick-up stations, provided that such uses shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

(10) Libraries, museums, schools, parks and recreational facilities owned or operated by a governmental agency, and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(12) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(13) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(14) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(15) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(16) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building;

(17) Retail stores and shops, provided that not more than 30 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(18) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(19) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(20) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(21) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(22) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units, provided that outdoor accessory uses such as displays, temporary sales areas, play equipment and similar activities shall not be permitted, nor shall any pay phone or vending machine be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph. (Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006).

Sec. 30-434.3. Yards.

Yard regulations in the B-1 neighborhood business district shall be as follows:

(1) *Front yard.* No front yard shall be required, except that no newly constructed building or addition to an existing building shall extend closer to the street than any building on an abutting lot. In no case shall a front yard greater than 15 feet in depth be required on any lot (see article VI, division 4, of this chapter).

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts a property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-434.4. Screening.

Screening regulations in the B-1 neighborhood business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Where a use prohibited on a transitional site is situated across an alley from the side lot line of property in an R district, there shall be an opaque structural fence or wall not less than four feet in height erected along the alley line, but not within 15 feet of any street line.

(3) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-434.5. Height.

No building or structure in the B-1 neighborhood business district shall exceed 25 feet in height (see article VI, division 6, of this chapter).

DIVISION 20. B-2 COMMUNITY BUSINESS DISTRICT

Sec. 30-436.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-2 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Art galleries;

(3) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

c. A plan of development shall be required as set forth in article X of this chapter.

(4) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(5) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;

(6) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(7) Communications centers and telephone repeater stations operated by public service corporations;

(8) Contractors' shops, offices and display rooms, provided that the following conditions are met:

a. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;

b. There shall be no outside storage of equipment, materials or supplies;

c. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use.

(9) Custom printing and engraving shops not involving the printing of periodicals, books, catalogs or similar items requiring frequent shipment or delivery of large quantities of materials, provided that not more than five persons shall be employed in the conduct of such business;
(10) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(12) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

(13) Funeral homes;

(14) Furniture repair and upholstery shops, provided that the total floor area of work rooms shall not exceed 2,000 square feet;

(15) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(17) Hotels and motels, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. A plan of development shall be required as set forth in article X of this chapter.

(18) Janitorial and custodial service and supply establishments occupying not more than 2,000 square feet of floor area and not involving the use of delivery or service vehicles having an empty weight exceeding 6,500 pounds;

(19) Laundromats and laundry and dry cleaning pick-up stations;

(20) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(21) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

d. A plan of development shall be required as set forth in article X of this chapter.

(21.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(22) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(23) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(24) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(25) Parking decks, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but shall be devoted to other permitted principal uses, which shall have a depth of not less than 20 feet along the principal street frontage, or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this subdivision prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

b. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

d. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2013-237-225, § 1, 12-9-2013)

(26) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(27) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(28) Postal and package mailing services, but not including package distribution centers;

(29) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(30) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(31) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(33) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(34) Retail stores and shops, provided that not more than 50 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(35) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(36) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(37) Self-service auto washing facilities, either automatic with a single vehicle capacity or hand operated with not more than four washing stalls, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

d. Such use shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

e. A plan of development shall be required as set forth in article X of this chapter.

(38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced except within a completely enclosed soundproof building, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(39) Service stations, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

d. A plan of development shall be required as set forth in article X of this chapter.

(40) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(41) Tourist homes;

(42) Wholesale and distribution establishments with not more than 5,000 square feet of floor area devoted to storage of goods, provided that distribution of products shall not involve the use of delivery vehicles having an empty weight exceeding 6,500 pounds;

(43) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(44) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units. Outdoor accessory uses such as temporary sales and display areas, play equipment, pay phones, vending machines and similar uses shall not be located within 15 feet of any street line or within any required side yard adjacent to an R or RO district or within required parking spaces, except that temporary sales and display areas not involving any structures may be located within required front yards. Not more than two vending machines shall be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph.

(Code 1993, § 32-436.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-436.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-2 district by conditional use permit as set forth in article X of this chapter:

(1) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-436.3. Yards.

Yard regulations in the B-2 community business district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-436.4. Screening.

Screening regulations in the B-2 community business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Where a use prohibited on a transitional site is situated across an alley from the side lot line of property in an R district, there shall be an opaque structural fence or wall not less than four feet in height erected along the alley line, but not within 15 feet of any street line.

(3) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-436.5. Height.

No building or structure in the B-2 community business district shall exceed 35 feet in height.

DIVISION 21. B-3 GENERAL BUSINESS DISTRICT

Sec. 30-438.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-3 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

c. A plan of development shall be required as set forth in article X of this chapter.

(5) Auto, truck, motorcycle, boat, trailer, recreational vehicle, manufactured home and construction equipment sales, rental, service, storage and general repair, and body repair and painting, convertible top and seat cover repair and installation; provided that:

a. No such use shall be located on a transitional site;

b. All facilities involving general repair, body repair and painting and convertible top and seat cover repair and installation shall be located within completely enclosed buildings;

c. No dismantled or junked vehicle unfit for operation on the streets shall be parked or stored outside of an enclosed building;

d. All outdoor areas devoted to storage or display shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13(1) and (2) of this chapter;

e. A plan of development shall be required as set forth in article X of this chapter.

(6) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(7) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, provided that:

a. No such use shall be located on a transitional site;

b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.

(8) Catering businesses;

(9) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(10) Communications centers and telephone repeater stations operated by public service corporations;

(11) Contractors' shops, offices and display rooms;

(12) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(13) Drive-in theaters, provided that:

a. No such use shall be located on a transitional site;

b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;

c. Theater screens shall be located so as not to face any street or public area;

d. A plan of development shall be required as set forth in article X of this chapter.

(14) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(15) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

(16) Funeral homes;

(17) Furniture repair and upholstery shops;

(18) Greenhouses and plant nurseries;

(19) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(20) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(21) Hotels and motels, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. A plan of development shall be required as set forth in article X of this chapter.

(22) Janitorial and custodial service and supply establishments;

(23) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

(24) Laundromats and laundry and dry cleaning pick-up stations;

(25) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(26) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks;

(27) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

d. A plan of development shall be required as set forth in article X of this chapter.

(28) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(29) Office supply, business and office service, photocopy and custom printing establishments;

(30) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(31) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(32) Parking decks, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but shall be devoted to other permitted principal uses, which shall have a depth of not less than 20 feet along the principal street frontage, or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this subdivision prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

b. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

d. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2013-237-225, § 1, 12-9-2013)

(33) Personal loan and financial services;

(34) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(35) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(36) Postal and package mailing services;

(37) Printing, publishing and engraving establishments;

(38) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(39) Professional, business and vocational schools;

(40) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, and provided that no passenger terminal shall be located on a transitional site;

(41) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(42) Recreation and entertainment uses, including theaters, museums, amusement centers, bowling alleys, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(43) Recreation uses, outdoor, including golf courses, par three and miniature golf courses, driving ranges, putting greens, temporary carnivals and similar amusement facilities, but not including shooting ranges; provided that:

a. No such use shall be permitted on a transitional site;

b. Such use shall be so located, designed and operated that noise from equipment, machinery or loudspeaker systems is not audible from nearby properties in R or RO districts;

c. A plan of development shall be required as set forth in article X of this chapter.

(44) Repair businesses conducted within completely enclosed buildings;

(45) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(46) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(47) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(48) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(49) Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

d. A plan of development shall be required as set forth in article X of this chapter.

(50) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(51) Service stations; provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

d. A plan of development shall be required as set forth in article X of this chapter.

(52) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(53) Tire recapping and vulcanizing shops, provided that no such use shall be located on a transitional site;

(54) Tourist homes;

(55) Travel trailer parks and campgrounds, provided that no such use shall be located on a transitional site, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(56) Truck and freight transfer terminals, provided that:

a. No such use shall be located on a transitional site;

b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;

c. All outdoor areas devoted to truck or trailer storage or parking shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13 (1) and (2) of this chapter;

d. A plan of development shall be required as set forth in article X of this chapter.

(57) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(58) Wholesale, warehouse and distribution establishments with not more than 20,000 square feet of floor area devoted to storage of goods;

(59) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(60) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-438.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)
[**Editor's Note:** Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-438.1:1, which pertained to principal uses permitted by conditional use permit and derived from Code 1993, § 32-438.1:1.]

Sec. 30-438.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-3 district by conditional use permit as set forth in article X of this chapter:

(1) Adult care residences;

(2) Group homes;

(3) Lodginghouses;

(4) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(5) Shelters;

(6) Social service delivery uses;

(7) Retail sales of liquor.

(Ord. No. 2004-240-229, § 1, 9-13-2004; Ord. No. 2011-29-150, § 12, 9-12-2011)

Sec. 30-438.3. Yards.

Yard regulations in the B-3 district shall be as follows:

(1) *Front yard.* No front yard shall be required (see art. VI, div. 4 of this chapter).

(2) *Side yard.* No side yards shall be required, except that where a side lot line abuts a property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

(4) *Yards adjacent to dwelling uses and shelters.* Side and rear yards adjacent to dwelling uses and shelters, other than dwelling units contained within the same building as other permitted principal uses, shall be not less than 15 feet in depth.

(5) *Spaces between buildings on the same lot.* Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

Sec. 30-438.3:1. Floor area and usable open space.

In the B-3 general business district, the following floor area and usable open space ratios shall be applicable to dwelling uses and shelters, other than dwelling units contained within the same building as other permitted principal uses (see section 30-1220):

(1) *Floor area ratio.* The floor area ratio shall not exceed 2.0.

(2) *Usable open space ratio.* A usable open space ratio of not less than 0.25 shall be provided.

Sec. 30-438.4. Screening.

Screening regulations in the B-3 general business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Where a use prohibited on a transitional site is situated across an alley from the side lot line of property in an R district, there shall be an opaque structural fence or wall not less than four feet in height erected along the alley line, but not within 15 feet of any street line.

(3) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-438.5. Height.

No building or structure shall exceed 35 feet in height in the B-3 general business district, provided that additional height, not to exceed a total height of 60 feet, shall be permitted when all yards exceed the minimum required by not less than one foot for each one foot of building height in excess of 35 feet and provided, further, that no additional height shall be permitted on a transitional site.

DIVISION 22. B-4 CENTRAL BUSINESS DISTRICT

Sec. 30-440. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the B-4 Central Business District is to define the urban center of the city of Richmond by promoting dense, transit-oriented development with greater building height than elsewhere in the region. The district regulations are intended to promote redevelopment, placemaking, and development of surface parking lots to create high-quality urban spaces. Such regulations are also intended to improve streetscape character and enhance public safety by encouraging an active pedestrian environment consistent with the mixed-use character of the district and by providing uniform setbacks, first floor commercial uses, and windows in building façades along street frontages. (Ord. No. 2019-170, §2, 7-22-2019)

Sec. 30-440.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-4 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or addition to any existing building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto rental establishments;

(5) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any such use an automated teller machine accessible from the exterior of a building; (Ord. No. 2019-170, §1, 7-22-2019)

(6) Catering businesses;

(7) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(8) Communications centers and telephone repeater stations operated by public service corporations;

[NOTE: Contractor's shops, offices and display rooms were removed as a principal use by Ord. No. 201-170 on July 22, 2019.] (Ord. No. 2019-170, §1, 7-22-2019)

(9) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(10) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(11) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage or priority street frontage, as shown on the official zoning map, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units; (Ord. No. 2011-205-2012-1, 1-9-2012**,** Ord. No. 2019-170, §1, 7-22-2019 - **NOTE: Graphic Removed)**

[NOTE: Funeral homes and Furniture repair and upholstery shops were removed as a principal use by Ord. No. 201-170 on July 22, 2019.]

(12) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(13) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(14) Hotels, provided that:

a. No such use shall be located on a transitional site;

b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (3), (5), (12), (24), (34) or (35) of this section; provided that not more than 50 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use, except entrances or lobbies existing at the effective date of this provision that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012**,** Ord. No. 2019-170, §1, 7-22-2019)
)

c. A plan of development shall be required as set forth in article X of this chapter.

[NOTE: Janitorial and custodial service and supply establishemts were removed as a principal use by Ord. No. 201-170 on July 22, 2019.] (Ord. No. 2019-170, §1, 7-22-2019)

(15) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

(16) Laundromats and laundry and dry cleaning pick-up stations;

(17) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(18) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks; (Ord. No. 2019-170, §1, 7-22-2019)

(19) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(20) Office supply, business and office service, photocopy and custom printing establishments;

(21) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

[NOTE: Parking areas and parking lots were removed as a principal use by Ord. No. 2017-219 on February 27, 2017.]

(22) Parking decks and parking garages, provided that:

a. No portion of the ground floor of such structure located along a principal street frontage or a priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage or priority street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2); (Ord. No. 2019-170, §1, 7-22-2019)

b. Except as provided in paragraph (a) of this subsection (22), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way; (Ord. No. 2017-019, 2-27-2017)

d. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-019, 2-27-2017**,** Ord. No. 2019-170, §1, 7-22-2019)

(23) Personal loan and financial services;

(24) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(25) Pet shops, veterinary clinics and animal hospitals, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building; (Ord. No. 2019-170, §1, 7-22-2019)

(26) Postal and package mailing services, but not including package distribution centers;

(27) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;

(28) Public elementary or secondary schools, or private elementary and secondary schools having curricula substantially the same as that offered in public schools; (Ord. No. 2019-170, §1, 7-22-2019)

(29) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(30) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, provided that no passenger terminal shall be located on a transitional site;

(31) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(33) Repair businesses conducted within completely enclosed buildings;

(34) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(35) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(36) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(37) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(39) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(40) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(41) Social service delivery uses, provided that:

a. A plan of development shall be required as set forth in article X of this chapter;

b. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;

c. A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The Director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any by laws;

2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;

3. Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;

4. Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;

5. Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;

6. Annual operating budget, including sources of funding.

(42) Tourist homes;

(43) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(44) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(45) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-440.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2017-019, 2-27-2017, Ord. No. 2019-170, §1, 7-22-2019)

Sec. 30-440.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-4 district by conditional use permit as set forth in article X of this chapter:

(1) Adult care residences;

(2) Group homes;

(3) Lodginghouses;

(4) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

[NOTE: Parking areas and parking lots were removed as a principal use by conditional use permit by Ord. No. 201-170 on July 22, 2019.]

Such uses were originally removed as a permitted principal use and changed to a principal use by a conditional use permit by Ord. No 2017-019 on February 27, 2017] (Ord. No. 2019-170, §1, 7-22-2019)

(5) Retail sales of liquor;

(6) Shelters.

(Ord. No. 2004-180-167, § 4, 6-28-2004; Ord. No. 2011-29-150, § 12, 9-12-2011; Ord. No. 2017-019, 2-27-2017**,** Ord. No. 2019-170, §1, 7-22-2019)

Sec. 30-440.3. Yards.

Yard regulations in the B-4 district shall be as follows (see article VI, division 4, of this chapter):

(1) *Front yard.*

a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.

b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza, outdoor dining area as permitted by section 30-440.1 of this division or vehicular drop-off or pick-up area permitted by section 30-440.4:1 of this division, and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

e. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

:

(2) *Side yards.* No side yards shall be required except as provided in subsection (4) of this section, and except that where a side lot line abuts property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required except as provided in subsection (4) of this section, and except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

(4) *Side and rear yards adjacent to shelters.* Side and rear yards adjacent to newly constructed buildings or portions thereof devoted to shelters shall be not less than 15 feet in depth. (Ord. No. 2011-205-2012-1, 1-9-2012)

(5) *Spaces between buildings on same lot.* Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

(Ord. No. 2010-177-173, § 1, 10-11-2010)

Sec. 30-440.4. Screening.

Screening regulations in the B-4 central business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Where a use prohibited on a transitional site is situated across an alley from the side lot line of property in an R district, there shall be an opaque structural fence or wall not less than four feet in height erected along the alley line, but not within 15 feet of any street line.

(3) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-440.4:1. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply along both the principal street frontage and the priority street frontage. This subsection shall not be construed to prohibit vehicular drop-off or pick-up areas serving hotels or hospitals when approved in accordance with the provisions of paragraph 30-440.3 (1) of this division. (Ord. No. 2019-170, §1, 7-22-2019)

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage or priority street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. This subsection shall not be construed to prohibit vehicular drop-off or pick-up areas serving hotels or hospitals when approved in accordance with the provisions of paragraph 30-440.3 (1) of this division. (Ord. No. 2019-170, §1, 7-22-2019)

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter.

[Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-440.5. Floor area and usable open space.

In the B-4 central business district, the following floor area and usable open space ratios shall be applicable (see section 30-1220):

(1) *Floor area ratio.* The floor area ratio shall not exceed 6.0, provided that additional floor area for nondwelling uses shall be permitted as set forth in section 30-690.

(2) *Usable open space ratio.* A usable open space ratio of not less than 0.08 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses or shelters.

Sec. 30-440.6. Height.

For purposes of this section, story height shall not be less than ten feet nor greater than 15 feet, except that the ground floor of a building may be of greater height. Height regulations in the B-4 district shall be as follows:

(1) *Maximum height.* There shall be no maximum height limit in the B-4 Central Business District, provided that no portion of a building shall penetrate an inclined plane originating at the centerline of each abutting street and extending over the lot at an inclination of one foot horizontal for each four feet vertical

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of three stories, except that porches, porticos, and similar structures attached to a main building may be of lesser height.

(3) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in Article XII of this chapter and shall be measured at the building façade along the principal street frontage of the lot. There shall be no maximum height limit in the B-4 central business district, provided that no portion of a building shall penetrate an inclined plane originating at the centerline of each abutting street and extending over the lot at an inclination of one foot horizontal for each four feet vertical and provided, further, that such inclined plane may be penetrated by a building wall adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street.

(Ord. No. 2019-170, §1, 7-22-2019)

Sec. 30-440.7. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-4 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot or both the principal street frontage and the priority street frontage where applicable. (Ord. No. 2019-170, §1, 7-22-2019)

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections 30-440.1 (1), (7), (8), (9), (13), (15), (17), (29), (31), (43), and (44), and other than shelters, a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1) "a" shall not apply. (Ord. No. 2019-170, §1, 7-22-2019)

b. *Dwelling uses.* For dwelling uses, tourist homes and shelters, windows or glass doors or both that allow views out of the interior of the building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1) "b" shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses*. For nondwelling uses, other than those listed in subsection (1) (a) of this section, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

c. *Dwelling uses*. For dwelling uses, tourist homes and shelters, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012, Ord. No. 2019-170, §1, 7-22-2019)

DIVISION 23. B-5 CENTRAL BUSINESS DISTRICT

Sec. 30-442.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-5 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 50,000 square feet of floor area, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult care facilities; (Ord. No. 2018-049, § 1, 3-26-2018)

(2) Art galleries;

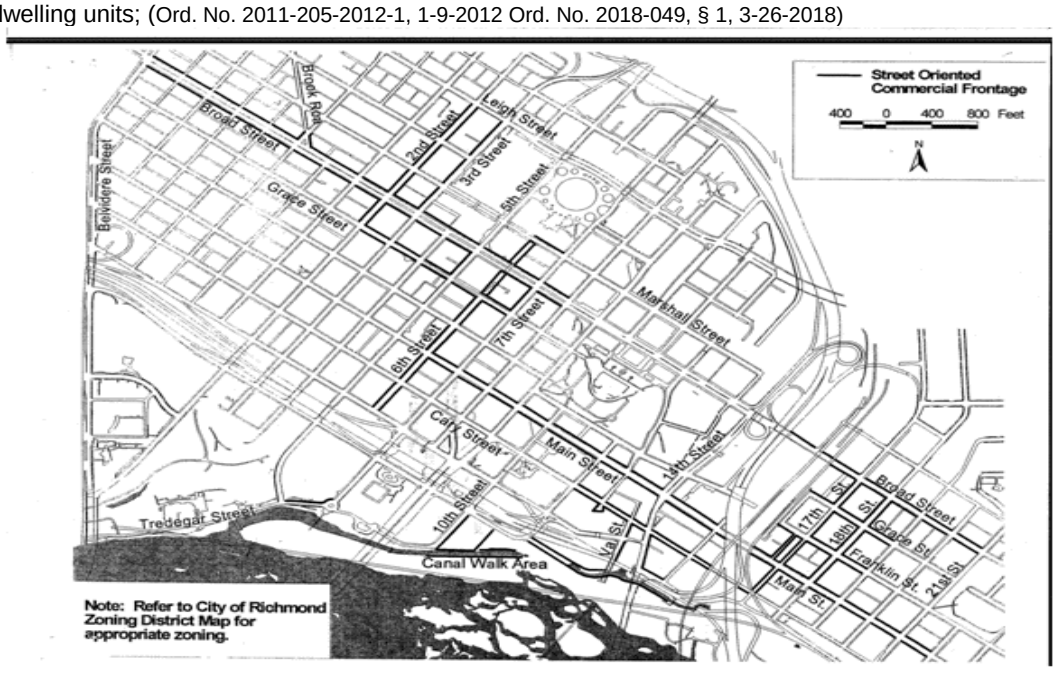
(3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(4) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(5) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services; (Ord. No. 2018-049, § 1, 3-26-2018)

(6) Dry cleaning and laundering establishments, provided the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(7) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units; (Ord. No. 2011-205-2012-1, 1-9-2012 Ord. No. 2018-049, § 1, 3-26-2018)



(8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(9) Hotels, provided that: [Ord. No. 2010-177-173, § 1, 10-11-2010]

a. No such use shall be located on a transitional site;

b. The ground floor of portions of buildings adjacent to principal street frontages or any priority street frontage shall be devoted to those uses specified in subsections (2), (3), (7), (14), (20) or (21) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use; (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2018-049, § 1, 3-26-2018)

c. A plan of development shall be required as set forth in article X of this chapter.

(9) Laundromats and laundry and dry cleaning pick-up stations;

(10) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11) Office supply, business and office service, photocopy and custom printing establishments;

(12) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

[NOTE: Parking areas and parking lots were removed as a principal use by Ord. No. 2017-219 on February 27, 2017.]

(13) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage or a priority street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade; (Ord. No. 2018-049, § 1, 3-26-2018)

b. Except as provided in paragraph (a) of this subsection (13), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way; (Ord. No. 2017-019, 2-27-2017)

d. A plan of development shall be required as set forth in article X of this chapter.
(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-019, 2-27-2017)

(14) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(15) Pet shops, veterinary clinics, and animal hospitals, including boarding kennels operated in conjunction therewith, provided all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building; (Ord. No. 2018-049, § 1, 3-26-2018)

(16) Postal and package mailing services, but not including package distribution centers;

(17) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

(18) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(19) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(20) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(21) Retail stores and shops;

(22) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(23) Sales lots for Christmas trees, vegetable stands, and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site; (Ord. No. 2018-049, § 1, 3-26-2018)

(24) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(25) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(26) Uses owned or operated by a governmental agency but not including facilities intended for the incarceration or alternative sentencing or facilities primarily for the care, treatment, or housing of persons who are currently illegally using or are addicted to a controlled substance as that term is defined in code of Virginia, § 54.1-3401; (Ord. No. 2018-049, § 1, 3-26-2018)

(27) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(28) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-442.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2017-019, 2-27-2017; Ord. No. 2018-049, § 1, 3-26-2018)

Sec. 30-442.1.1 Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-5 district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Parking areas and parking lots; (Ord. No. 2017-019, 2-27-2017)

(3) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-442.2. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the B-5 central business district shall be subject to section 30-800.1.

Sec. 30-442.4. Yards.

Yard regulations in the B-5 district shall be as follows (see article VI, division 4, of this chapter):

(1) *Front yard.*

a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.

b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-440.1 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

e. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection. [Ord. No. 2010-177-173, § 1, 10-11-2010]

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-442.5. Screening.

Screening regulations in the B-5 central business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-442.5:1. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply to the principal street frontage of the lot as defined in section 30-1220 as well as to any priority street frontage. (Ord. No. 2018-049, § 1, 3-26-2018)

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage or priority street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220. (Ord. No. 2018-049, § 1, 3-26-2018)

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter.

[Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-442.6. Height.

Height regulations in the B-5 district shall be as follows:

(1) *Maximum height.* No building shall exceed five stories in height. For purposes of this section 30-442.6, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 15 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(3) *Determination of number of stories.* For purposes of this section 30-442.6, the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

[NOTE: Section (4) entitled, "*Height measurement in case of floodplains"* was repealed from the Ordinance on January 9, 2012, but was Reordained as Division 13 entitled, "*Special Provisions in Floodplains"* (See: 30-696 – 30-696.3)]

(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-442.7. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-5 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot as well as along any priority street frontage of the lot. (Ord. No. 2018-049, § 1, 3-26-2018)

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of a street level story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1) “a” shall not apply. (Ord. No. 2018-049, § 1, 3-26-2018)

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1) “b” shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses*. For nondwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. (Ord. No. 2018-049, § 1, 3-26-2018)

b. *Dwelling uses*. For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2018-049, § 1, 3-26-2018)

DIVISION 24. B-6 MIXED-USE BUSINESS DISTRICT

Sec. 30-444.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of B-6 district is to encourage development of mixed land uses consistent with the objectives of the master plan and the downtown plan, and to promote enhancement of the character of development along principal corridors and in other areas. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of underutilized buildings or enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible, depending on the character and needs of particular areas. The district regulations are also intended to safeguard the character of adjoining properties, to maintain existing streetscape character by providing continuity of building setbacks and heights, to enhance public safety and encourage an active pedestrian environment appropriate to the mixed use character of the district by providing for windows in building facades along street frontages, and to promote an environment that is conducive to preservation of important historic, architectural and cultural features that may exist within the district. Finally, the district regulations are intended to assure adequate accessible parking and safe vehicular and pedestrian circulation, to facilitate a streetscape with minimum setbacks along principal street frontages and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

(Ord. No. 2006-168-189, § 1, 7-10-2006)

Sec. 30-444.2. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-6 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities.

(2) Art galleries.

(3) Banks, savings and loan offices and similar financial services, including accessory ATM’s accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any ATM accessible from the exterior of a building.

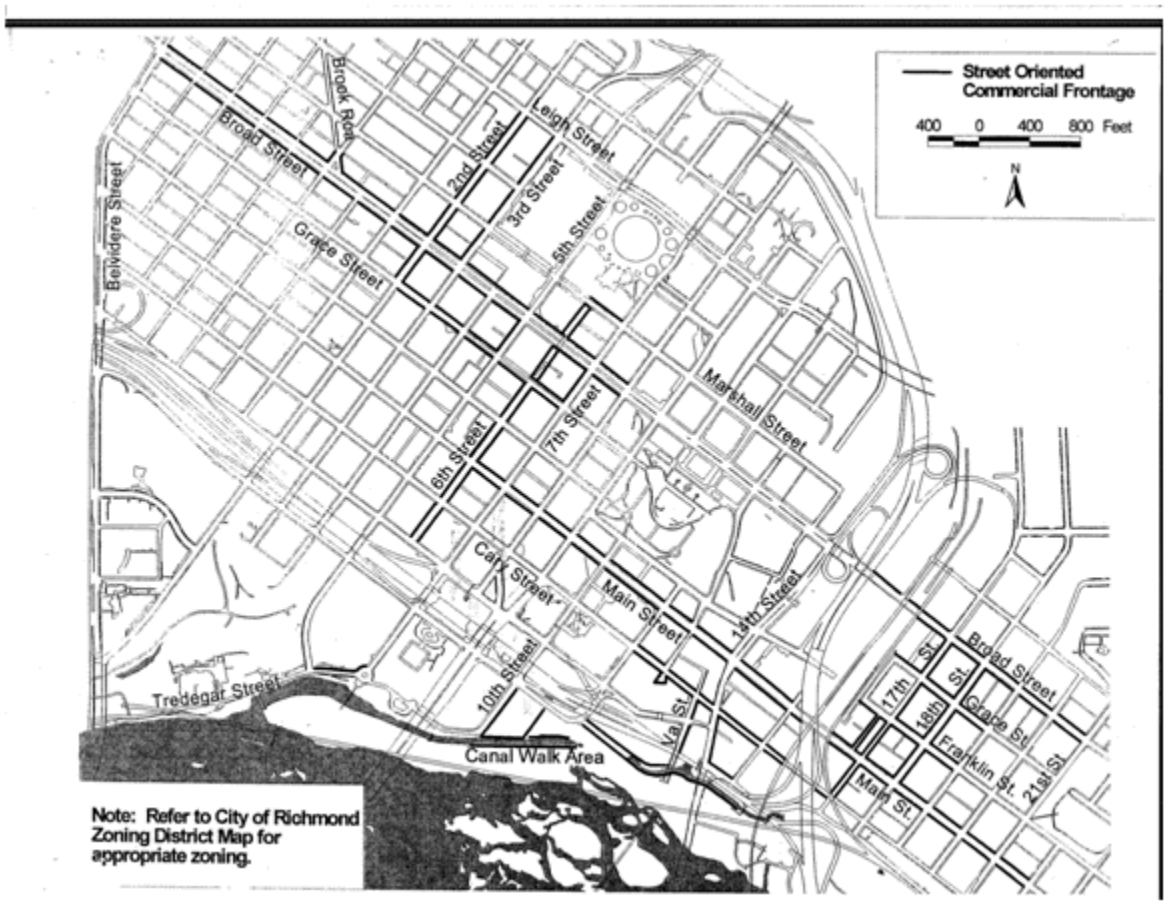
(4) Catering businesses.

(5) Day nurseries licensed by and subject to the requirements of the state department of social services.

(6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight.

(7) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units.

(Ord. No. 2011-205-2012-1, 1-9-2012)



(8) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed buildings.

(9) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(10) Hotels, provided that:

a. No such use shall be located on a transitional site.

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to uses specified in subsections (2), (3), (9), (17), (22), or (24) of this section, provided than not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. (Ord. No. 2011-205-2012-1, 1-9-2012)

d. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2009-36-56, § 1, 4-27-2009)

(11) Laundromats and dry cleaning pick up stations.

(12) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization.

(13) Office supply, business and office service, photocopy and custom printing establishments.

(14) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

(15) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.

(16) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. (Ord. No. 2011-205-2012-1, 1-9-2012)

b. Except as provided in paragraph (a) of this subsection (16), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way.

d. A plan of development shall be required as set forth in article X of this chapter.

(17) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.

(18) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

(19) Postal and package mailing services, but not including distribution centers.

(20) Professional, business and vocational schools when located above the ground floor of buildings, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

(21) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna.

(22) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district.

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(23) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(24) Retail stores and shops.

(25) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a government agency.

(26) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced.

(27) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith.

(28) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia.

(29) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of sections 30-692.1--30-692.6, provided that a plan of development shall be required as set forth in article X of this chapter.

(30) Accessory uses and structures, including ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Ord. No. 2006-168-189, § 1, 7-10-2006)

Sec. 30-444.2.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-6 district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-444.3. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the B-6 district shall be subject to the provisions of section 30-800.1 of this chapter.

(Ord. No. 2006-168-189, § 1, 7-10-2006)

Sec. 30-444.4. Yards.

Yard regulations in the B-6 district shall be as follows (see article VI, division 4, of this chapter):

(1) *Front yard.*

a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.

b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-444.2 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

e. A building entrance feature that is set back from the street a greater distance than the primary building facade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yard.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

(Ord. No. 2006-168-189, § 1, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008)

Sec. 30-444.5. Screening.

Screening regulations in the B-6 district shall be as follows:

(1) Where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than three and one-half feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this provision shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12 of this chapter. (Ord. No. 2006-168-189, § 1, 7-10-2006)

Sec. 30-444.6. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, the provisions of this paragraph shall apply only along the principal street frontage of the lot as defined in article XII of this chapter.

(b) *Driveways from streets.* No driveway intersecting a street, which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this provision, principal street frontage shall be as defined in article XII of this chapter.

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.
(Ord. No. 2006-168-189, § 1, 7-10-2006)

Sec. 30-444.7. Height.

Height regulations in the B-6 district shall be as follows:

(1) *Maximum height in general.* No building shall exceed four stories in height, provided that where an existing building on the same lot or on an adjacent lot along the same street frontage is greater than four stories in height, no building shall exceed the number of stories contained in such existing building. For purposes of this section 30-444.7, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 14 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Maximum height in special cases.*

a. Where greater than 50 percent of the lineal block frontage is comprised of lots occupied by existing buildings of greater than four stories in height, the average number of stories (rounded to the nearest whole number) contained in such existing buildings shall be the maximum permitted number of stories.

b. Where there are no buildings existing on an entire block at the time of development, or where there are existing buildings to be retained and vacant land to be developed on an entire block, and where the entire block is to be developed under the same ownership or control pursuant to an overall development plan, the maximum permitted height shall be five stories. (Ord. No. 2010-19-31, § 3, 2-22-2010)

(3) *Maximum roofline limited to roofline nearest to street frontage.* In any case where a newly constructed building or addition to an existing building is permitted to exceed four stories in height pursuant to subsections (1) or (2)a of this section, the roofline nearest to the street frontage of the lot shall be the maximum permitted roofline of the building.

(4) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(5) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building façade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot. (Ord. No. 2006-168-189, § 1, 7-10-2006; Ord. No. 2009-36-56, § 1, 4-27-2009)

Sec. 30-444.8. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-6 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot.

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections 30-444.2 (1), (5), (12) and (28), a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)(a) shall not apply.

b. *Dwelling uses.* For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than 5 feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)(b) shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening. (Ord. No. 2009-36-56, § 1, 4-27-2009)

(2) *Upper stories.*

a. *Nondwelling uses*. For nondwelling uses, other than those listed in subsections 30-444.2 (1), (5), (12) and (28), windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses*. For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. The types of permitted windows shall be as specified in subsection (1) b of this section.

(Ord. No. 2006-168-189, § 1, 7-10-2006; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 25.

B-7 MIXED-USE BUSINESS DISTRICT

Sec. 30-446.1 Intent of district.

Pursuant to the general purposes of this chapter, the intent of the B-7 district is to encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The district is intended to promote enhancement of the character of mixed use areas that are undergoing revitalization and adaptive reuse by providing for alternative economic use of existing structures, while enabling continuation of existing industrial and service uses. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of vacant or underutilized buildings and enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible. The district regulations are also intended to safeguard the character of adjoining properties, to maintain the predominant existing streetscape character by providing continuity of building scale and setbacks, to enhance public safety and encourage an active pedestrian environment appropriate to the mixed-use character of the district by providing for windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking and safe vehicular and pedestrian circulation, to facilitate a streetscape with minimum setbacks along principal street frontages and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

Sec. 30-446.2. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-7 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district, except as specifically authorized by conditional use permit pursuant to section 30-446.3.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use, new building or addition that is subject to approval of a conditional use permit or subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities.

(2) Art galleries.

(3) Auto service centers, subject to the provisions of section 30-446.3 (7), and provided that:

a. No such use shall be located on a transitional site.

b. A plan of development shall be required as set forth in article X of this chapter.

(4) Banks, savings and loan offices and similar financial services, including accessory ATM's accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any ATM accessible from the exterior of a building.

(5) Breweries producing not more than 100,000 barrels of beer per year and distilleries producing not more than 250,000 cases of liquor per year, subject to the provisions of section 30-446.3 (7).

(6) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, subject to the provisions of section 30-446.3 (7), and provided that:

a. No such use shall be located on a transitional site.

b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.

c. A plan of development shall be required as set forth in article X of this chapter.

(7) Catering businesses.

(8) Communications centers and telephone repeater stations operated by public service corporations.

(9) Contractors' shops, offices and display rooms.

(10) Day nurseries licensed by and subject to the requirements of the state department of social services.

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight.

(12) Dwelling units, other than a single-family detached, a single-family attached or a two-family dwelling, provided that when dwelling units are located within buildings located on lots having street frontage on Hull Street or Commerce Road, or street-oriented commercial frontage, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire Hull Street and Commerce Road frontages or along street-oriented commercial frontage, except for ingress and egress, provided that dwelling units shall not be located in any building devoted to a use that is prohibited on a transitional site. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units**.**
(Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-150, 9-25-2017)

(13) Entertainment, cultural and recreational uses, including theaters, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed buildings.

(14) Funeral homes.

(15) Furniture repair and upholstery shops.

(16) Greenhouses and plant nurseries, subject to the provisions of section 30-446.3 (7).

(17) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(18) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter.

(19) Hotels, provided that:

a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

b. The ground floor of portions of buildings adjacent to principal street frontages or priority street frontages shall be devoted to those uses specified in subsections (2), (4), (17), (30), (37) or (39) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. **(Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-150, 9-25-2017)**

c. A plan of development shall be required as set forth in article X of this chapter.

(20) Janitorial and custodial service and supply establishments.

(21) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises, subject to the provisions of section 30-446.3 (7).

(22) Laundromats and dry cleaning pick up stations.

(23) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization.

(24) Manufacturing uses of under 15,000 square feet of area, as listed in Section 30-452.1(2)(a), but not allowing paragraph (13), Section 30-452.1(2)(c), Section 30-452.1(2)(d), or Section 30-452.1(2)(e)(34). A plan of development shall be required as set forth in article X of this chapter. **(Ord. No. 2017-150, 9-25-2017)**

(24.1) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks. **(Ord. No. 2017-150, 9-25-2017)**

(25) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter.

(26) Office supply, business and office service, photocopy and custom printing establishments.

(27) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

(28) Parking areas and parking lots, subject to the provisions of section 30-446.3 (7), and provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.

(29) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage or priority street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade.

(Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-150, 9-25-2017)

b. Except as provided in paragraph (a) of this subsection (29), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way. **(Ord. No. 2017-150, 9-25-2017)**

d. A plan of development shall be required as set forth in article X of this chapter.

(30) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.

(31) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

(32) Postal and package mailing services, but not including distribution centers.

(33) Printing, publishing and engraving establishments.

(34) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

(35) Radio and television broadcasting studios and offices, including accessory antennas provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna.

(36) Repair businesses conducted within completely enclosed buildings.

(37) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district.

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with "Fence and Wall Design Guidelines" adopted by resolution of the planning commission, as amended, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

(38) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(39) Retail stores and shops.

(40) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a government agency.

(41) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site.

(42) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building.

(43) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith.

(44) Tourist homes.

(45) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia.

(46) Uses permitted in the M-1 and M-2 districts and not otherwise listed as permitted uses in this division, when such uses are lawfully existing on the effective date of the ordinance to include the property in the B-7 district, and:

(a) Such uses shall not be considered nonconforming uses, shall not be subject to the limitations on nonconforming uses set forth in article VIII of this chapter and, subject to the provisions of section 30-446.3 (7), may be extended, expanded or enlarged to occupy any portion of the property devoted to the use at the time of its inclusion in the B-7 district.

(b) Any such use may be changed to another use that is permitted by right or by conditional use permit in the B-7 district, or to a use that is first permitted in the same district as or a more restricted district than the district in which such use is first permitted, subject to the provisions of section 30-454.1(2).

(c) In the case of a building or portion thereof that is vacant on the effective date of the ordinance to include the property in the B-7 district, the last lawful use, subject to the provisions of sections 30-800.4 and 30-800.5, to occupy such building or portion thereof shall determine the applicability of this subsection.

(47) Wholesale, warehouse and distribution establishments with not more than 30,000 square feet of floor area devoted to storage of goods, subject to the provisions of section 30-446.3 (7), and provided that a plan of development shall be required as set forth in article X of this chapter.

(48) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, subject to the provisions of section 30-446.3 (7), and in accordance with the additional requirements of sections 30-692.1--30-692.6, provided that a plan of development shall be required as set forth in article X of this chapter.

(49) Accessory uses and structures, including ATM’s accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

Sec. 30-446.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-7 district by conditional use permit as set forth in article X of this chapter:

(1) Drive-up facilities in conjunction with principal uses permitted by section 30-446.2, provided that:

a. No such use shall be located on a transitional site, a priority street frontage, or a street-oriented commercial frontage. **(Ord. No. 2017-150, 9-25-2017)**

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

(2) Motor fuels dispensing in conjunction with principal uses permitted by section 30-446.2, provided that:

a. No such use shall be located on a transitional site, a priority street frontage, or a street-oriented commercial frontage**. (Ord. No. 2017-150, 9-25-2017)**

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor shall not be located within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands shall not extend within ten feet of any street line.

(3) Nightclubs; **(Ord. No. 2012-234-2013-2, § 1, 1-14-2013)**

(4) Required off-street parking consisting of less than one parking space per dwelling unit, but not less than one parking space per two dwelling units, serving multifamily dwellings located in buildings existing on February 22, 2010, when such off-street parking is located on the site of the dwelling units or off the premises.

(5) Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:

a. No such use shall be located on a transitional site.

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties.

(6) Social service delivery uses.

(7) Uses listed in section 30-446.2 (3), (5), (6), (16), (21), (28), (47) and (48) and the extension, expansion or enlargement of a use listed in section 30-446.2 (46), when any such use is located on a lot having street frontage on Hull Street or Commerce Road.

(Ord. No. 2017-150, 9-25-2017)

Sec. 30-446.4. Yards.

Yard regulations in the B-7 district shall be as follows (see article VI, division 4, of this chapter):

(1) *Front yard.*

a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.

b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-446.2 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

e. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yard.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-446.5. Screening.

Screening regulations in the B-7 district shall be as follows:

(1) Where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than three and one-half feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this provision shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12 of this chapter.

Sec. 30-446.6. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, the provisions of this paragraph shall apply to the principal street frontage of the lot as defined in article XII of this chapter as well as any priority street frontage. **(Ord. No. 2017-150, 9-25-2017)**

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage or priority street frontage of a lot shall be permitted when alley access is available to serve such lot. No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted whine other street frontage is available to serve such lot. For purposes of this provision, principal street frontage shall be as defined in article XII of this chapter. **(Ord. No. 2017-150, 9-25-2017)**

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

Sec. 30-446.7. Height.

Height regulations in the B-7 district shall be as follows:

(1) *Maximum height in general.* No building shall exceed five stories in height. For purposes of this section, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 15 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Maximum height in special cases.* Where there are no buildings existing on an entire block at the time of development, or where there are existing buildings to be retained and vacant land to be developed on an entire block, and where the entire block is to be developed under the same ownership or control pursuant to an overall development plan, the maximum permitted height shall be six stories.

(3) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

Sec. 30-446.8. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-7 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot as well as along any priority street frontage. **(Ord. No. 2017-150, 9-25-2017)**

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections 30-446.2 (1), (3), (5), (6), (8), (10), (14), (16), (18), (21), (23), (24), (25), (29), (44), (45), (46) and (47), a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building facade along the street frontage of the lot, a minimum of 30 percent of the building facade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1)a shall not apply.

b. *Dwelling uses.* For dwelling uses, other than single-family and two-family dwellings, windows shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of a street level story having less than five feet of its height above the mean grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)b shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses*. For nondwelling uses, other than those listed in subsection (1)a of this section, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses*. For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. The types of permitted windows shall be as specified in subsection (1) b of this section.

(Div. 25, §§ 30-446.1-30-446.3-9; Ord. No. 2010-19-31, § 1, 2-22-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

[**Editor's Note:** Ord. No. 2004-180-167, § 3, adopted June 28, 2004, repealed Div. 24, §§ 30-444.1-30-444.5, and Div. 25, §§ 30-446.1-30-446.3 which pertained to B-6 central business district and B-7 central business district, respectively, and derived from Code 1993, §§ 32-444.1-32-444.5; Code 1993, §§ 32-446.1-32-446.3, respectively.]

DIVISION 25.1. RF-1 RIVERFRONT DISTRICT

Sec. 30-447.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the RF-1 riverfront district is to provide for modest scale planned mixed-use development on relatively large sites adjacent to the riverfront in a manner that will protect prominent views of the James River from public spaces and will encourage public and private use of and access to the riverfront. The district is intended to facilitate the economic development benefits which will accrue through enhanced commercial and residential development and increased tourism generated by riverfront redevelopment. Finally, the district regulations are intended to promote a concentration of uses that result in a high degree of pedestrian attraction and activity along the riverfront, while protecting the area at the shore of the river from building development.

Sec. 30-447.2. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the RF-1 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required for construction of any new building of greater than 45 feet in height or any addition to an existing building when such addition exceeds 45 feet in height, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Catering businesses employing not more than five persons on the premises;

(4) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities or activities, whether indoors or outdoors; (Ord. No. 2010-20, § 1, 3-8-2010)

(5) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(6) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

(7) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;

(8) Adult day care facilities;

(9) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics and studios of writers, designers, artists and others engaged in the arts;

(11) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(12) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(13) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(14) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(15) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than ten persons are employed on the premises in the conduct of any printing establishment;

(16) Hotels, provided that:

a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

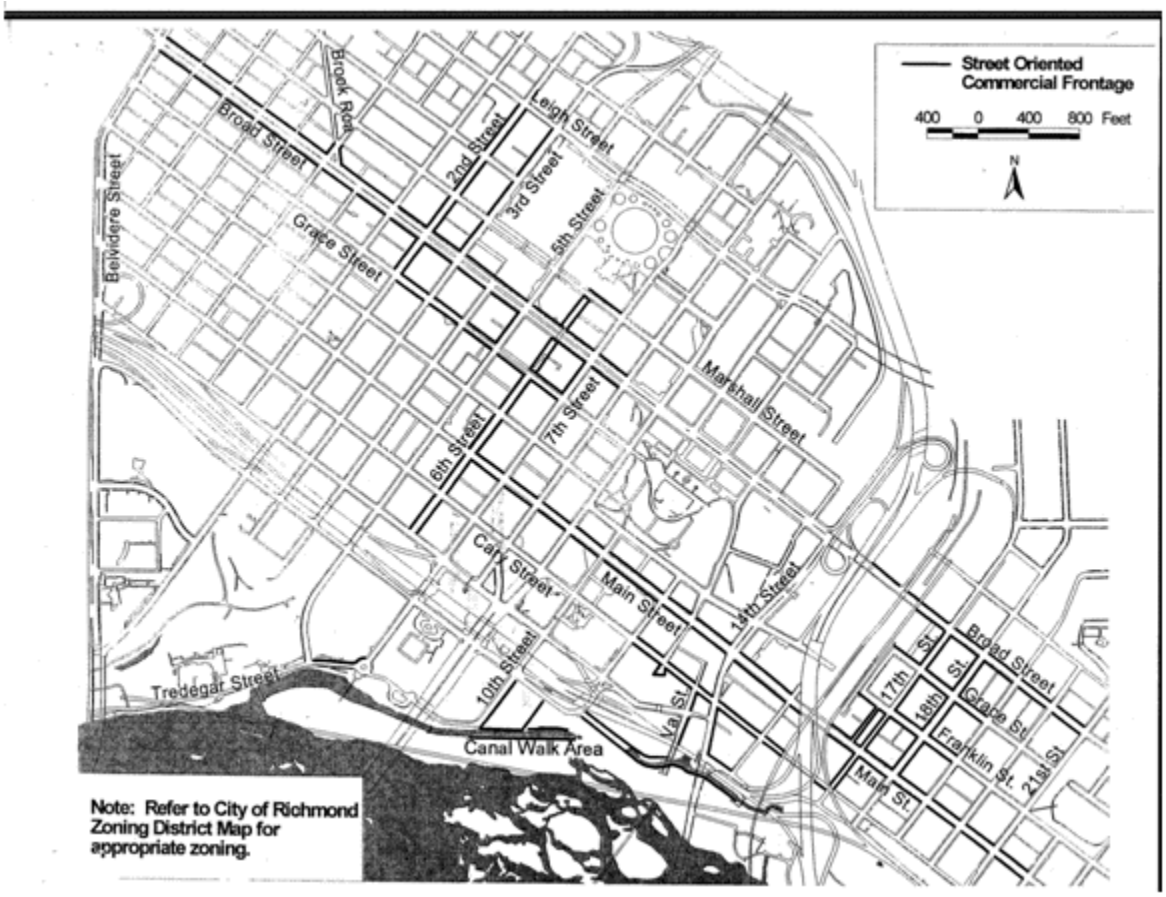
b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (1), (1.1), (2), (4), (5) or (12) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.

c. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2011-205-2012-1, 1-9-2012)

(17) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage as shown below, a minimum of one third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

Ord. No. 2011-205-2012-1, 1-9-2012)



(18) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(19) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(20) Parking decks and parking garages provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade.

b. Except as provided in paragraph (a) of this subsection (20), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

d. A plan of development shall be required as set forth in article X of this chapter;

(Ord. No. 2011-205-2012-1, 1-9-2012)

(21) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices; but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a governmental agency;

(22) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(23) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors;

(25) Accessory buildings and uses customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2008-36-57, § 3, 3-24-2008)

Sec. 30-447.2.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the RF-1 district by conditional use permit as set forth in article X of this chapter: .

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-447.3. Yards and setbacks.

Yard regulations in the RF-1 riverfront district shall be as follows:

(1) *Front yard.* No front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except that:

a. A front yard with a depth greater than ten feet shall be permitted when such front yard is improved for purposes of an outdoor dining area as permitted by section 30-447.2 (2) of this division, and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

b. A building entrance feature that is set back from the street a greater distance than the primary building facade along the street and that is no greater than two times the width of the building entranceway and no greater than 50 feet in width shall be permitted, and shall not be subject to the provisions of this subsection.

c. The prohibition of a front yard with a depth greater than ten feet shall not be applicable within a designated floodplain.

(2) *Side and rear yards.* No side or rear yard shall be required, except where a side or rear lot line abuts a property, other than the James River or other public open space, that is not included within the development site, a side or rear yard of not less than 25 feet shall be provided (see section 30-630.9 for permitted projections and encroachments in required yards).

(3) *Riverfront setback.* No building or structure shall be located within 50 feet of the mean low-water level along the shore of the James River, provided that the following shall be exempt from this requirement when permitted by the regulations of the Chesapeake Bay Preservation Areas contained in article IX, division 3, of this chapter:

a. Water-dependent facilities as defined in section 30-920.1.

b. Walkways, promenades, decks, gazebos, permitted signs, and similar structures intended to accommodate or provide amenities for pedestrians.

(Code 1993, § 32-447.3; Ord. No. 2008-36-57, § 3, 3-24-2008)

Sec. 30-447.4. Land area coverage.

In the RF-1 riverfront district, portions of buildings over three stories in height shall occupy not more than 25 percent of land area and shall be situated on the lot in such manner as to maximize to the extent practical, as determined through the plan of development review process, views of the James River from public parks as identified in the master plan. For purposes of this section 30-447.4, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

(Ord. No. 2010-20, § 1, 3-8-2010)

Sec. 30-447.5. Building dimensions and space between buildings.

In the RF-1 riverfront district, no building or combination of multiple buildings, whether such buildings are on the same lot or on multiple lots within the same development site, shall exceed a total dimension of 300 feet along a lot line, street, public space or riverfront without an intervening uncovered open space at ground level of not less than 50 feet in width along such lot line, street, public space or riverfront, or without an intervening street of not less than 50 feet in width and having no building space above the surface of the street, provided that uncovered open space may contain gazebos and similar structures intended to accommodate or provide amenities for pedestrians. The purpose of this subsection is to provide for river view corridors between buildings. (Ord. No. 2010-20, § 1, 3-8-2010)

Sec. 30-447.6. Usable open space ratio.

In the RF-1 riverfront district, a usable open space ratio of not less than 0.15 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses.

Sec. 30-447.7. Screening.

Screening regulations in the RF-1 riverfront district shall be as follows:
(1) Where a side lot line abuts property in any R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.
(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-447.7:1. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles in the RF-1 riverfront district shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

(Ord. No. 2008-36-57, § 1, 3-24-2008)

Sec. 30-447.8. Height.

Height regulations in the RF-1 riverfront district shall be as follows:

(1) *Maximum height.* No building shall exceed six stories in height. For purposes of this section 30-447.8, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 15 feet, except that the ground floor of the building may be of greater height

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(3) *Determination of number of stories.* For purposes of this section 30-447.8, the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

[NOTE: Section (4) entitled, "*Height measurement in case of floodplains"* was repealed from the Ordinance on January 9, 2012, but was Reordained as Division 13 entitled, "*Special Provisions in Floodplains"* (See: 30-696 – 30-696.3)]

(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-447.9. Building facade fenestration.

Fenestration requirements applicable to building façades along street frontages in the RF-1 riverfront district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot.

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections (7), (8) and (18) of section 30-447.2, a minimum of 60 percent of the building façade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views [~~to~~] into and out of the interior building space. Windows used to satisfy these requirements shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)(a) shall not apply.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)(b) shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections (7), (8) and (18) of section 30-447.2, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2008-36-57, § 1, 3-24-2008; Ord. No. 2010-20, § 1, 3-8-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 25.2. RF-2 RIVERFRONT DISTRICT

Sec. 30-447.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the RF-2 riverfront district is to provide for medium scale planned mixed-use development on relatively large sites in close proximity to the riverfront in a manner that will protect prominent views of the James River from public spaces and will encourage public and private use of and access to the riverfront. The district is intended to facilitate the economic development benefits that will accrue through enhanced commercial and residential development and increased tourism generated by riverfront redevelopment. Finally, the district regulations are intended to promote a concentration of uses that result in a high degree of pedestrian attraction and activity along the riverfront, while protecting the area at the shore of the river from building development.

Sec. 30-447.11. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the RF-2 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for construction of any new building of greater than 45 feet in height or any addition to an existing building when such addition exceeds 45 feet in height, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Catering businesses employing not more than five persons on the premises;

(4) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities or activities, whether indoors or outdoors; (Ord. No. 2010-20, § 1, 3-8-2010)

(5) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(6) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

(7) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;

(8) Adult day care facilities;

(9) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics and studios of writers, designers, artists and others engaged in the arts;

(11) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(12) Banks, savings and loan offices and similar financial services, including drive-up facilities in conjunction therewith and accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any such use with drive-up facilities or an automated teller machine accessible from the exterior of a building;

(13) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(14) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(15) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than ten persons are employed on the premises in the conduct of any printing establishment;

(16) Hotels, provided that:

a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

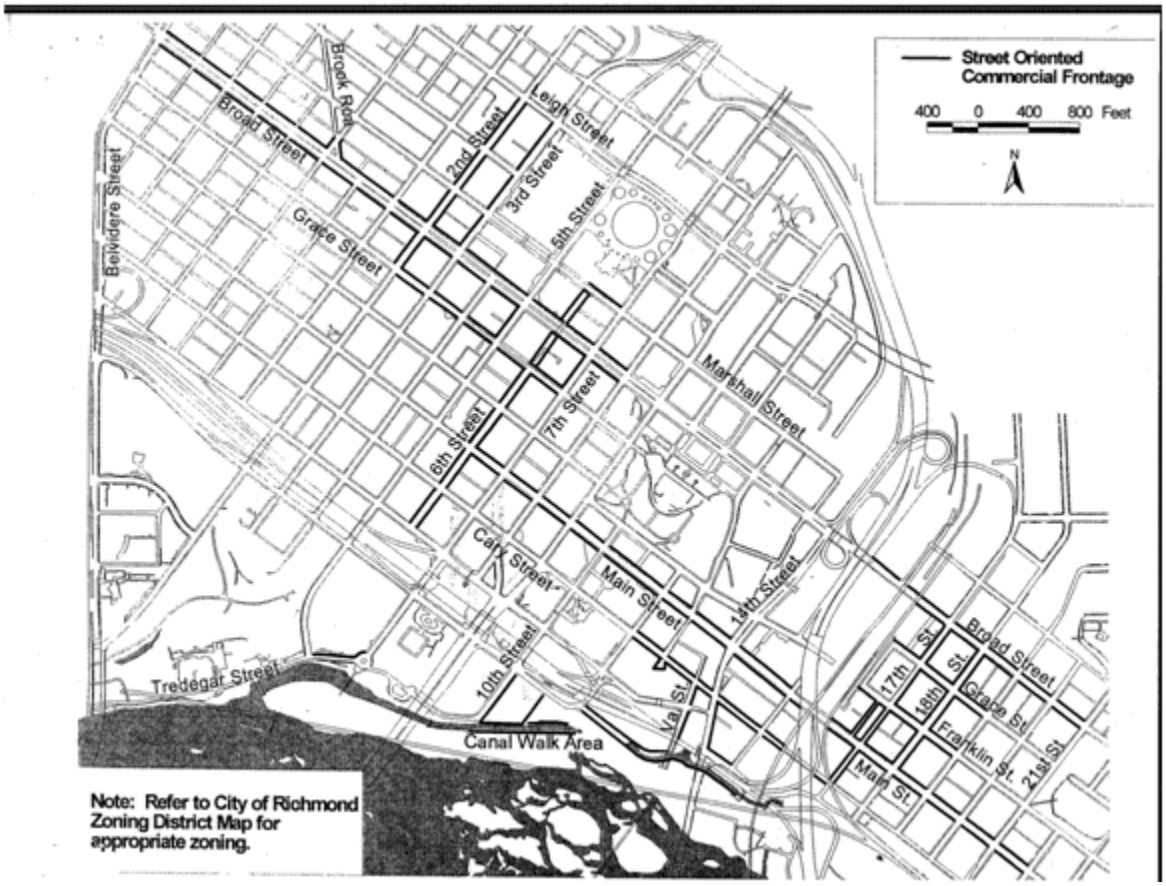
b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (1), (1.1), (2), (4), (5) or (12) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.

c. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2011-205-2012-1, 1-9-2012)

(17) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage as shown below, a minimum of one third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other uses principal permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

(Ord. No. 2011-205-2012-1, 1-9-2012)



(18) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(19) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(20) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade.

b. Except as provided in paragraph (a) of this subsection (20), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

d. A plan of development shall be required as set forth in article X of this chapter;

(Ord. No. 2011-205-2012-1, 1-9-2012)

(21) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices; but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a governmental agency;

(22) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(23) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors;

(25) Business and professional schools;

(26) Accessory buildings and uses customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior or exterior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-447.11; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2008-36-57, § 3, 3-24-2008)

Sec. 30-447.11.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the RF-2 district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-447.12. Yards and setbacks.

Yard regulations in the RF-2 riverfront district shall be as follows:

(1) *Front yard.* No front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except that:

a. A front yard with a depth greater than ten feet shall be permitted when such front yard is improved for purposes of an outdoor dining area as permitted by section 30-447.11(2) of this division, and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the Director of planning and development review prior to approval of such plan of development by the Director.

b. A building entrance feature that is set back from the street a greater distance than the primary building facade along the street and that is no greater than two times the width of the building entranceway and no greater than 50 feet in width shall be permitted, and shall not be subject to the provisions of this subsection.

c. The prohibition of a front yard with a depth greater than ten feet shall not be applicable within a designated floodplain.

(2) *Side and rear yards.* No side or rear yard shall be required, except where a side or rear lot line abuts a property, other than the James River or other public open space that is not included within the development site:

a. A side or rear yard of not less than 25 feet shall be provided (see section 30-630.9 for permitted projections and encroachments in required yards).

b. No building shall penetrate an inclined plane originating at such lot line and extending over the lot at an inclination of one foot horizontal for each three feet vertical.

(3) *Riverfront setback.* No building or structure shall be located within 50 feet of the mean low-water level along the shore of the James River, provided that the following shall be exempt from this requirement when permitted by the regulations of the Chesapeake Bay Preservation Areas contained in article IX, division 3, of this chapter:

a. Water-dependent facilities as defined in section 30-920.1.

b. Walkways, promenades, decks, gazebos, permitted signs, and similar structures intended to accommodate or provide amenities for pedestrians.

(Code 1993, § 32-447.12; Ord. No. 2008-36-57, § 3, 3-24-2008)

Sec. 30-447.13. Land area coverage.

In the RF-2 riverfront district, portions of buildings over four stories in height shall occupy not more than 35 percent of land area and shall be situated on the lot in such manner as to maximize to the extent practical, as determined through the plan of development review process, views of the James River from public parks as identified in the master plan. For purposes of this section 30-447.13, the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot. (Ord. No. 2010-20, § 1, 3-8-2010)

Sec. 30-447.14. Building dimensions and space between buildings.

(a) *Ground level.* In the RF-2 riverfront district, no building or combination of multiple buildings, whether such buildings are on the same lot or on multiple lots within the same development site, shall exceed a total dimension of 300 feet along a lot line, street, public space or riverfront without an intervening uncovered open space at ground level of not less than 50 feet in width along such lot line, street, public space or riverfront, or without an intervening street of not less than 50 feet in width and having no building space above the surface of the street, provided that uncovered open space may contain gazebos and similar structures intended to accommodate or provide amenities for pedestrians. The purpose of this subsection is to provide for river view corridors between buildings. (Ord. No. 2010-20, § 1, 3-8-2010)

(b) *Over four stories in height.* Portions of a building over four stories in height or combinations of portions of multiple buildings over four stories in height, whether such buildings are on the same lot or on multiple lots within the same development site, shall not exceed a total dimension of 300 feet along a lot line, street, public space or riverfront without an intervening uncovered open space of not less than 100 feet in width along such lot line, street, public space or riverfront. For purposes of this subsection 30-447.14(b), the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot. The purpose of this subsection is to provide for river view corridors between portions of buildings over four stories in height. (Ord. No. 2010-20, § 1, 3-8-2010)

Sec. 30-447.15. Usable open space ratio.

In the RF-2 riverfront district, a usable open space ratio of not less than 0.10 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses.

Sec. 30-447.16. Screening.

Screening regulations in the RF-2 riverfront district shall be as follows:
(1) Where a side lot line abuts property in any R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.
(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-447.17. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles in the RF-2 riverfront district shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

(Ord. No. 2008-36-57, § 2, 3-24-2008; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-447.18. Height.

Height regulations in the RF-2 riverfront district shall be as follows:

(1) *Maximum height.* No building shall exceed 13 stories in height. For purposes of this section 30-447.18, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 15 feet, except that street level stories may be of greater height

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(3) *Determination of number of stories.* For purposes of this section 30-447.18, the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

[NOTE: Section (4) entitled, "*Height measurement in case of floodplains"* was repealed from the Ordinance on January 9, 2012, but was Reordained as Division 13 entitled, "*Special Provisions in Floodplains"* (See: 30-696 – 30-696.3)]

(Ord. No. 2010-20, § 1, 3-8-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-447.19. Building facade fenestration.

Fenestration requirements applicable to building façades along street frontages in the RF-2 riverfront district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot.

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections (7), (8) and (18) of section 30-447.11, a minimum of 60 percent of the building façade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy these requirements shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)(a) shall not apply.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building façade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1)(b) shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections (7), (8) and (18) of section 30-447.11, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building façade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2008-36-57, § 1, 3-24-2008; Ord. No. 2010-20, § 1, 3-8-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 26. CM COLISEUM MALL DISTRICT

Sec. 30-448.1. Permitted principal and accessory uses.

The following uses of building and premises shall be permitted in the CM district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district:

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith, and including areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Entertainment, cultural and recreational uses, including theatres, art galleries, museums, bowling alleys, amusement centers and other commercial recreation facilities located within completely enclosed buildings;

(4) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(4.1) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(5) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(6) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(7) Hotels and motels, provided that a plan of development shall be required as set forth in article X of this chapter;

(8) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(9) Parking decks and parking garages, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;

(11) Public assembly buildings, auditoriums, convention facilities, meeting rooms and exhibition spaces;

(12) Public schools and private business, professional and vocational schools not involving the use of heavy machinery, welding equipment or internal combustion engines;

(13) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(14) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(15) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible from the interior of buildings devoted to permitted principal uses. (Code 1993, § 32-448.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-448.2. Use limitations.

To ensure continuity of retail, personal service and entertainment uses appropriate to a pedestrian mall and to encourage the concentration of active establishments with a high degree of pedestrian attraction necessary to the economic vitality of such areas, only those uses specified in subsections 30-448.1(1)-(6) and (11) and 30-448.3(1)-(2) shall be located within the ground floor of a building having frontage along a public mall within the CM coliseum mall district, provided that not more than 30 percent of any building frontage along such mall may be devoted to entrances or lobbies related to other uses generally permitted in this district and located above or below the ground floor or to the rear of the building. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

Sec. 30-448.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the CM district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-448.4. Height.

No building or structure in the CM coliseum mall district shall exceed 80 feet in height.

DIVISION 26.1. DCC DOWNTOWN CIVIC AND CULTURAL DISTRICT

Sec. 30-449.1. Intent of district.

The DCC downtown civic and cultural district is intended to be applied to sites containing or adjacent to a major public space or building intended for public assembly. The district is intended to permit the public assembly use itself, while also fostering the occupancy of adjacent sites by entertainment, cultural, and/or tourism-oriented uses that have a mutually supportive relationship with the public assembly use. The range of permitted uses is intended to generally result in a concentration of establishments with a high degree of pedestrian attraction, and the development standards are intended to result in a relatively uninterrupted collection of such uses along or around a major public space within the district.

Sec. 30-449.2. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the DCC district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section:

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith, and including areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities, whether indoors or outdoors;

(4) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(4.1) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(5) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(6) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(7) Hotel and motels, provided that a plan of development shall be required as set forth in article X of this chapter;

(8) Parking areas, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(9) Parking decks and parking garages, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;

(11) Public assembly buildings, auditoriums, convention facilities, meeting rooms, exhibition spaces, stadiums and arenas;

(12) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices; but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a governmental agency;

(13) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(14) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses.

(Code 1993, § 32-449.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-449.3. Use limitations.

To ensure continuity of retail, personal service and entertainment uses appropriate to the area along a public mall or plaza and to encourage the concentration of active establishments with a high degree of pedestrian attraction necessary to the economic vitality of such areas, only those uses specified in subsections 30-449.2(1)-(6) and (11) and 30-449.4(1)-(2)shall be located within the ground floor of a building having frontage along a public mall or plaza within the DCC downtown civic and cultural district, provided that not more than 30 percent of any building frontage along such mall or plaza may be devoted to entrances or lobbies related to other uses generally permitted in this district and located above or below the ground floor or to the rear of the building. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

Sec. 30-449.4. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the DCC district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-449.5. Height.

No building or structure in the DCC downtown civic and cultural district shall exceed 95 feet in height.

DIVISION 27. OS OFFICE-SERVICE DISTRICT

Sec. 30-450.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the OS district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district:

(1) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;

(2) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(3) Catering businesses employing not more than 20 persons on the premises;

(4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(5) Communications centers and telephone repeater stations operated by public service corporations;

(6) Contractors' shops, offices and display rooms;

(7) Furniture repair and upholstery shops;

(8) Janitorial and custodial service and supply establishments;

(9) Libraries, museums, schools, parks and recreational facilities owned or operated by any governmental agency, and similar uses required for the performance of a governmental function and intended to serve residents of adjoining neighborhoods;

(10) Lodges and similar meeting places;

(11) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;

(12) Parking decks serving uses permitted in this district, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(13) Printing, publishing and engraving establishments employing not more than 20 persons on the premises

(14) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 18 feet above ground level, or in the case of a building mounted antenna, 18 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(15) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(16) Wholesale, warehouse and distribution establishments in conjunction with office, showroom, display and other facilities generally accessible to the public, provided that:

a. Not more than 20,000 square feet of floor area shall be devoted to warehouse and storage use;

b. Portions of buildings adjacent to public street frontages along which front yards are required shall be devoted to office, showroom, display and other facilities generally accessible to the public;

(17) Incidental retail sales, repair, fabrication and processing activities shall be permitted within the same building as, and in conjunction with office, studio, wholesale, warehouse, distribution, supply and contractors' establishments permitted in this district when such retail sales, repair, fabrication and processing activities are clearly accessory and subordinate to the principal activity conducted on the premises;

(18) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses.

(Code 1993, § 32-450.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-450.1:1. Nonconforming dwelling uses.

Alterations to buildings or structures devoted to nonconforming dwelling uses in the OS office-service district shall be subject to section 30-800.1.

Sec. 30-450.2. Outside storage.

There shall be no outside storage of equipment, materials or supplies either as a principal use of property or as an accessory use in connection with a principal use permitted in the OS office-service district.

Sec. 30-450.4. Yards.

Yard regulations in the OS office-service district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet, which yard shall be improved and maintained with appropriate vegetative ground cover (see article VI, division 4, of this chapter).

(2) *Side yards.* There shall be side yards of not less than ten feet in width, provided that no side yard shall be required where buildings on abutting lots are attached by means of a party wall constructed along a mutual side lot line.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 25 feet in depth.

Sec. 30-450.5. Screening, location and improvement of parking and loading areas.

In addition to requirements pertaining to the location and improvement of parking and loading areas set forth in article VII of this chapter, the following requirements shall be applicable in the OS office-service district.

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Whenever a parking area for five or more vehicles or a loading area abuts or is situated within 50 feet of property devoted to dwelling, office, medical or dental clinic use existing at the time such parking or loading area is constructed, the parking or loading area shall be effectively screened from view from such premises by an evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height, provided that such parking or loading area need not be screened from an adjacent loading area or parking area containing five or more spaces. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(3) Loading areas shall not be situated within that portion of a lot between the main building and a public street along which a front yard is required and shall be located or screened so as not to be directly visible from such public street.

Sec. 30-450.6. Height.

No building or structure in the OS office-service district shall exceed 35 feet in height.

DIVISION 27.1. RP RESEARCH PARK DISTRICT

Sec. 30-451.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the RP research park district is to encourage development of a technology research park as envisioned in the downtown plan. The district regulations are intended to promote an environment that is conducive to continued development of the research park and to accommodate the unique needs of research, development and laboratory facilities related to the medical, biotechnology and other life sciences industries. Such facilities, along with offices, are the primary intended uses in the district, with secondary uses such as retail and personal services intended for the convenience of workers and visitors in the area. These convenience uses are encouraged to be located on the ground floor of buildings devoted to permitted principal uses and with active pedestrian orientation to the main street frontages in the district. Public entrances and storefront character along the streets are encouraged in order to enhance pedestrian presence in the district. The district is designed to enable flexibility of development, maximum utilization of scarce land resources and innovative and efficient means of providing needed off-street parking facilities, while affording protection from potentially incompatible development. Through the district regulations and the plan of development review process, the district is intended to encourage high-quality development that promotes continued economic investment; that provides amenities that contribute to an attractive and comfortable pedestrian environment; and that complements and does not detract from the adjacent downtown retail, office and medical areas.

Sec. 30-451.2. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the RP district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development as set forth in article X of this chapter shall be required for such uses as specified in this section and for construction of any new building or any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Research, development and laboratory facilities related to the medical, biotechnology and other life sciences industries;

(2) Offices, including business, professional and administrative offices, and medical and dental offices and clinics;

(3) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(4) Public open spaces and uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia (1950, as amended);

(5) Parking areas and parking lots provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(5.1) Parking decks and parking garages, provided that:

a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. A plan of development shall be required as set forth in article X of this chapter;

(6) Retail stores and shops, personal service businesses, travel agencies, banks and savings and loan offices, automated teller machines accessible only from the interior of buildings and restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, provided that:

a. Such uses are limited to the ground floor of buildings devoted to other permitted principal uses;

b. Such uses shall have public entrances from the street, and building frontages devoted to such uses shall include display windows and/or storefront treatment;

c. Not more than 20 percent of the total floor area of the building shall be devoted to such uses, except that this limitation shall not apply to parking garage structures;

d. Food and beverage service establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

1. Such areas shall be oriented to and be provided with public access from the street;

2. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

3. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

4. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises;

(7) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses; and

(8) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, and including assembly, processing, prototype production activities and indoor storage of materials, when such are located within the same building.

(Code 1993, § 32-451.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Secs. 30-451.3., 30-451.4. Reserved.

Editor's Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-451.3, which pertained to plan of development requirements and derived from Code 1993, § 32-451.3.

Sec. 30-451.5. Yard requirements.

Except as provided in section 30-451.7, there shall be no minimum required front yard, side yard or rear yard in the RP research park district (see article VI, division 4, of this chapter for supplemental yard regulations).

Sec. 30-451.6. Screening requirements.

(a) In the RP research park district, where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(b) Screening of refuse areas shall be provided as set forth in section 30-660.

Sec. 30-451.7. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Improvement requirements and landscaping standards.* Parking areas and parking lots in the RP research park district shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter, except that the requirements of subsection 30-710.12(1) shall not apply.

(b) *Paving of loading areas.* All loading areas, including entrances thereto and exits therefrom, shall be designed and improved using accepted engineering practices for usability and longevity with asphalt, concrete, unit pavers or similar materials approved by the administrator of the erosion and sediment control ordinance found in chapter 50, article III.

Sec. 30-451.8. Height limit.

In the RP research park district, no building or structure shall exceed 120 feet in height, provided that no portion of any building or structure located within 300 feet of any residential, RO-1, RO-2 or B-2 district shall exceed a height of 60 feet (see article VI, division 6, of this chapter for height exceptions). Ord. No. 2012-66-43, § 1, 4-23-2012)

DIVISION 28. M-1 LIGHT INDUSTRIAL DISTRICT

Sec. 30-452.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the M-1 district:

(1) Any use permitted in the district as set forth in section 30-438.1, provided that:

a. A plan of development shall not be required for any use except the following: parking decks, parking garages, shopping centers, hotels and motels, motor fuels dispensing in conjunction with other uses permitted in the B-3 district and uses with drive-up facilities;

b. The prohibition of uses outside of enclosed buildings shall not be applicable in this district;

c. No building shall be erected for dwelling use or converted to such use unless permitted by the board of zoning appeals pursuant to the provisions of section 17.20 of the Charter, in which event such use shall be discontinued within ten years from the date such use is permitted, provided that a building may be used for dwelling purposes by a guard, caretaker or watchman employed in connection with the use of a building or premises permitted in this district;

(2) The following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence than the minimum amount normally resulting from other uses permitted; such permitted uses being generally light industries that manufacture, process, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, and manufacturing, compounding, processing, packaging or treatment as specified of the following or similar products:

a. *Food and beverages:*

1. Baked goods.
2. Beverages: blending and bottling plants.
3. Chocolate, cocoa and cocoa products: processing and packaging.
4. Coffee, tea and spices: processing and packaging.
5. Condensed milk: processing and canning.
6. Dairy products: creameries and plants.
7. Fruit and vegetable processing, including canning, preserving, drying and freezing.
8. Gelatin products.
9. Glucose and dextrine.
10. Macaroni and noodle manufacturing.
11. Meat products: packing and processing, but not including slaughtering.
12. Oleomargarine: compounding and packaging.
13. Poultry packaging and slaughtering.

b. *Metal and metal products:*

1. Agricultural or farm implements.
2. Aircraft and aircraft parts.
3. Aluminum extrusion, rolling, fabrication and forming.
4. Automobile, truck, trailer, motorcycle and bicycle assembly.
5. Bolts, nuts, screws, washers and rivets.
6. Containers (metal).
7. Culverts.
8. Firearms.
9. Foundries and foundry products manufacturing.
10. Heating, ventilating, refrigeration and appliance supplies and equipment.
11. Iron or structural steel fabrication.
12. Nails, brads, tacks, spikes and staples.
13. Needles and pins.
14. Plating (electrolytic process).
15. Plumbing supplies.
16. Safes and vaults.
17. Sheet metal products.
18. Silverware and plated ware.
19. Tool, die, gauge and machine shops.
20. Tools and hardware products.
21. Vitreous enameled products.

c. *Textiles, bedding and fibers:*

1. Garment making, repair and tailoring.
2. Hats.
3. Hosiery mill.
4. Knitting, weaving, printing, dyeing and finishing of textiles and fibers into fabric goods.
5. Rubber and synthetic treated fabrics, but not including rubber and synthetic processing.
6. Yarn, threads and cordage.

d. *Wood and paper products:*

1. Baskets and hampers.
2. Boxes and crates.
3. Forests and wildlife preserves: public and private.
4. Furniture.
5. Pencils.
6. Pulp goods and paper processing, but not including pulp milling.
7. Shipping containers.
8. Trailers and wagons.

e. *Unclassified uses:*

1. Animal, poultry and bird raising.
2. Animal pound for detention only.
3. Boat manufacturing (vessels less than five tons).
4. Building materials storage and sales.
5. Bus and other transportation terminals, garages and repair shops.
6. Button manufacturing.
7. Carbon paper and inked ribbon manufacturing.
8. Chewing gum manufacturing.
9. Clay, stone and glass products.
10. Cigar, cigarette, chewing and smoking tobacco manufacturing.
11. Circus and fairgrounds.
12. Coal and coke storage and sales.
13. Concrete products.
14. Contractors' shops and storage yards.
15. Drive-in or outdoor theatres.
16. Dry cleaning and laundering.
17. Exhibition space: enclosed or unenclosed.
18. Electric transformer stations, substations and generating plants.
19. Entertainment and recreational uses.
20. Feed and grain storage.
21. Flour and feed packaging and blending.
22. Fur finishing.
23. Grain blending and packing, but not including milling.
24. Greenhouses.
25. Ice manufacturing.
26. Industrial and vocational training schools.
27. Insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only).
28. Kennels.
29. Laboratories and research facilities.
30. Leather goods manufacturing, but not including tanning operations.
31. Livery stables and riding academies.
32. Malt products manufacturing, but not including breweries producing more than 100,000 barrels of beer or distilleries producing more than 250,000 cases of liquor per year. **(Ord. No. 2013-33-37, § 1, 3-25-2013)**
33. Motion picture production.
34. Pottery and porcelain products.
35. Propagation and cultivation of crops, flowers, trees and shrubs.
36. Public utility storage yard.
37. Railroad passenger and freight depots.
38. Repair and servicing of diesel engines.
39. Repair, servicing, sale and storage of heavy construction equipment.
40. Sanitary landfills operated by governmental agencies.
41. Storage of petroleum products for distribution within the metropolitan area.
42. Support structures used in connection with wireless communications facilities, radio and television broadcast antennas and microwave relay facilities, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 32-692.1 through 32-692.6.
43. Wholesale, warehouse and distribution establishments.

(3) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district. (Code 1993, § 32-452.1; Ord. No. 2004-180-167, § 1, 6-28-2004)

Secs. 30-452.1.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the M-1 district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(2) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-452.2. Yards.

Yard regulations in the M-1 light industrial district shall be as follows:

(1) *Front yard.* No front yard shall be required (see article VI, division 4, of this chapter).

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than 25 feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 25 feet in depth.

Sec. 30-452.3. Screening.

Screening regulations in the M-1 light industrial district shall be as follows:

(1) Where a side lot line abuts a property in an R district, there shall be a continuous evergreen vegetative screen or opaque structural fence or wall not less than six feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be of the specified height at the time of installation and shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-452.4. Height.

In the M-1 light industrial district, no building or structure shall exceed 45 feet in height, provided that additional height shall be permitted, except for sign structures, when all portions of a building or structure over 45 feet in height are set back from side and rear lot lines a minimum of one foot for each two feet in height in excess of 45 feet and provided, further, that no portion of a building or structure shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each three feet vertical.

DIVISION 29. M-2 HEAVY INDUSTRIAL DISTRICT

Sec. 30-454.1. Permitted principal and accessory uses.

The following uses of buildings and structures shall be permitted in the M-2 district:

(1) Any use permitted in the M-1 district as set forth in section 30-452.1;

(2) Any use or structure not permitted in any other district, including accessory buildings; provided that no building or premises shall be used for any of the following purposes unless specifically authorized or permitted by the city council; provided that for purposes of this subsection (2), a use listed in any other district as permitted by conditional use permit or permitted only when lawfully existing on the effective date of a particular provision shall not be construed to be a permitted use:

a. Curing, smoking, packing or storing of fish.

b. Incinerating, reducing, dumping or storing, including transfer facilities, of offal, dead animals, garbage or refuse for compensation and not as a governmental function.

c. Manufacturing or refining of ammonia, bleaching powder, chlorine, celluloid, pyroxylin and explosive or flammable products made therefrom; dyestuffs, explosives and pyrotechnics, gypsum, lime, cement, plaster of Paris, matches, turpentine, paint, varnish and fertilizer from organic materials or bone distillation.

d. Manufacturing or storage of sulphurous, sulphuric, nitric, picric, hydrochloric or other corrosive acid, exclusive of the use or storage thereof in connection with other permitted uses of buildings or premises.

e. Medical waste management facilities as regulated by and for which a permit is required by the State of Virginia Department of Environmental Quality, excluding however, any facility subject to an on-site permit by rule.

f. Flea markets.

g. Outdoor shooting ranges.

h. Nightclubs. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

i. Private penal institutions.

j. Public and private alternative incarceration domiciliary facilities and institutions.

k. Refining of tallow, grease or lard.

l. Refining of petroleum products.

m. Rendering of fat.

n. Retail sales of liquor.

o. Sales, storage or disposal of used tires in bulk.

p. Storage of dyestuffs, explosives and pyrotechnics.

q. Storage of petroleum products in bulk for distribution in areas beyond the metropolitan area.

(Code 1993, § 32-454.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2011-29-150, § 12, 9-12-2011)

Sec. 30-454.2. Report from chief administrative officer.

In the M-2 heavy industrial district, the city council shall not authorize or permit any building or premises to be used for any purpose specified in subsection 30-454.1(2) until after the chief administrative officer has reported in writing to the council the effect that such use will have upon the safety, health, comfort, convenience and welfare of the inhabitants of the city and of persons in the locality in which such building is or premises are to be situated.

(Code 1993, § 32-454.2; Ord. No. 2004-360-330, § 1, 12-13-2004)

Sec. 30-454.3. Uses constituting nuisances.

No building or premises shall be used for any purpose permitted in the M-2 heavy industrial district in such a manner as to constitute a nuisance by the creation of unreasonably loud and disturbing sound or noise; unreasonable vibrations; unreasonable danger from explosion or fire; or the unreasonable emission of smoke, odor, dust, heat or glare.

Sec. 30-454.4. Yards.

Yard regulations in the M-2 heavy industrial district shall be as follows:

(1) Front yard. No front yard shall be required (see article VI, division 4, of this chapter).

(2) Side yards. No side yards shall be required, except that where a side yard line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than 50 feet in width.

(3) Rear yard. No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 50 feet in depth.

Sec. 30-454.5. Screening.

Screening regulations in the M-2 heavy industrial district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen or opaque structural fence or wall not less than six feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be of the specified height at the time of installation and shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

(3) Automobile junkyards and similar uses involving outside storage of scrapped or junked materials shall be screened from view from public streets, public spaces and adjacent properties in an R or RO district by opaque structural fences or walls not less than six feet in height.

Sec. 30-454.6. Height.

In the M-2 heavy industrial district, no building or structure shall exceed 45 feet in height, provided that additional height shall be permitted, except for sign structures, when all portions of a building or structure over 45 feet in height are set back from side and rear lot lines a minimum of one foot for each two feet of height in excess of 45 feet and provided, further, that no portion of a building or structure shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each three feet vertical.

DIVISION 30. COMMUNITY UNIT PLANS

Sec. 30-456.1. Applicability of article.

The regulations contained in this article shall be applicable to community unit plans and are established pursuant to and in accordance with section 17.10(g) of the Charter.

Sec. 30-456.2. Land eligible.

The owner of any tract of land situated in any district and which comprises not less than ten contiguous acres in area, except for intervening public streets and alleys, may submit to the planning commission a plan for the use and development of such land in a manner that does not conform in all respects with the regulations and restrictions prescribed for the district in which such tract is situated.

Sec. 30-456.3. Content of preliminary plan.

A preliminary community unit plan containing the following information shall be submitted to the planning commission:

(1) Maximum number of dwelling units and maximum amount of commercial and residential floor area proposed.

(2) General character and location of all buildings, structures and open spaces.

(3) General location of all means of ingress and egress and areas for the parking and circulation of vehicles.

(4) Specific features of the plan which are intended to ensure compatibility with adjacent development.

(5) Statement as to the manner in which such plan meets the criteria set forth in section 30-456.4.

Sec. 30-456.4. Approval or disapproval of preliminary plan; criteria.

The planning commission shall approve the preliminary community unit plan when it finds, after receiving a report from the Director of planning and development review and after holding a public hearing thereon, that the use of the land and the design, construction, maintenance and operation of the structures, facilities and appurtenances proposed thereon will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property; will not unreasonably impair an adequate supply of light and air to adjacent property; will not unreasonably increase congestion in streets; will not unreasonably increase public danger from fire or otherwise unreasonably affect public safety; and will not diminish or impair the established values of property in surrounding areas; otherwise, the commission shall disapprove the plan.

Sec. 30-456.5. Action of planning commission.

The planning commission shall hold a public hearing on the preliminary community unit plan. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the city to whom notices are to be sent shall be furnished by the city assessor and shall be as shown on the then-current tax records of the city. The action of the planning commission shall be based upon a finding of fact which shall be reduced to writing and preserved among its records. The commission shall act by formal resolution, which shall set forth the reasons for its decision. When the planning commission approves a preliminary community unit plan, it shall transmit a copy of its resolution, together with its finding of fact, to the city council.

Sec. 30-456.6. Action of City Council.

The City Council shall hold a public hearing on the preliminary community unit plan. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. The City Council may, by ordinance, approve the plan if it concurs in the finding of fact of the Commission. (Ord. No. 2019-085 §(2); 4-22-2019)

Sec. 30-456.7. Approval or disapproval of final plan; criteria.

After approval of a preliminary community unit plan by the city council and within a period of time specified in the ordinance adopting such plan, a final plan indicating in detail the proposed layout of the site and character of improvements thereon shall be submitted to the planning commission. After receiving a report from the Director of planning and development review, the commission shall, by formal resolution, approve the final plan if it finds that the requirements of section 30-456.4 are met and that such plan is consistent with objectives of the preliminary plan as adopted by the council and not in conflict with any conditions specified by the council. The commission shall not approve the final plan if revisions thereto subsequent to council approval have resulted in an increase in the number of dwelling units or amount of residential or commercial floor area or in any greater deviation from the zoning district regulations than proposed in the preliminary plan.

Sec. 30-456.8. Permits for construction and occupancy.

A copy of the resolution approving a final community unit plan shall be transmitted to the zoning administrator, who shall thereby be authorized to review for sufficiency the necessary permits for construction and occupancy. Application for building permits shall be made within a period of time specified in the resolution; otherwise, the action of the planning commission shall be considered null and void.

Sec. 30-456.9. Preliminary plan may be considered final plan.

When a preliminary community unit plan indicates in detail the proposed layout of the site and character of improvements thereon and meets all other requirements of this division and when no modifications are made to such plan subsequent to its approval by the city council, the plan shall be deemed to be the final plan. In such case, the city council may authorize the issuance of necessary construction and occupancy permits within a specified period of time, and further approval by the planning commission shall not be required.

Sec. 30-456.10. Submission fees.

(a) A fee as set forth in appendix A to this Code shall accompany the preliminary community unit plan application, which amount shall be paid into the city treasury.

(b) A fee as set forth in appendix A to this Code shall accompany each final community unit plan application, which amount shall be paid into the city treasury.

(c) A fee as set forth in appendix A to this Code shall accompany each application for an extension to a community unit plan, which amount shall be paid into the city treasury.

(d) A fee as set forth in appendix A to this Code shall accompany each application for an amendment to a community unit plan, which amount shall be paid into the city treasury.

(e) A letter of acceptance for a preliminary community unit plan, final community plan, extension of a community unit plan or amendment of a community plan shall not be accepted until satisfactory evidence has been presented to the secretary of the planning commission that any delinquent real estate taxes applicable to the subject property have been paid. If an application for an amendment to a community unit plan is made, this subsection shall apply only to the properties which are included in the amendment application.

Sec. 30-456.11. Posting of notice on property.

In the case of each application for a community unit plan or amendment to a community unit plan, it shall be the responsibility of the Department of Planning and Development Review to post on the property that is the subject of the community unit plan, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) shall: (i) be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application, (ii) shall remain on the property until final disposition of the application by the City Council, and (iii) shall comply with any applicable standard established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

(Ord. No. 2006-259-262, § 1, 10-23-2006; Ord. No. 2015-148-158, § 1, 7-27-2015)

DIVISION 31

TOD-1 TRANSIT-ORIENTED NODAL DISTRICT

Sec. 30-457.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the TOD-1 district is to encourage dense, walkable transit-oriented development consistent with the objectives of the master plan and to promote enhancement of the character of development along principal corridors, at key gateways, and at nodes of high activity located near transit service, bicycle infrastructure, and pedestrian-friendly streetscapes. The district regulations are also intended to safeguard the character of adjoining properties by only being applied in areas that meet the criteria above, with buffering by setbacks and screening or transitional districts to lower intensity residential areas.

The district regulations are intended to encourage appropriate redevelopment and place-making, including adaptive reuse of underutilized buildings, to create a high-quality urban realm. They are intended to improve streetscape character by providing continuity of building setbacks, to enhance public safety by encouraging an active pedestrian environment consistent with the mixed-use character of the district by providing for windows in building facades along street frontages, and to promote an environment that is safe for walking and biking.

Sec. 30-457.2. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the TOD-1 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 30,000 square feet of floor area, and construction of any new building or addition to any existing building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities licensed by and subject to the requirements of the State Department of Social Services.

(2) Art galleries.

(3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses.

(4) Breweries producing not more than 10,000 barrels of beer per year and distilleries producing not more than 25,000 cases of liquor per year, subject to the provisions of section 114-446.3 (6).

(5) Catering businesses.

(6) Day nurseries licensed by and subject to the requirements of the State Department of Social Services.

(7) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street-oriented commercial frontage, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

(8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

(9) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter.

(10) Hotels, provided that:

a. No such use shall be located on a transitional site.

b. The ground floor of portions of buildings adjacent to principal or priority street frontages shall be devoted to those uses specified in subsections (2), (3), (4), (8), (11), (12), (15), (16), (18), (20), (21), (23), (24), (25), (26), (28) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.

c. A plan of development shall be required as set forth in article X of this chapter.

(11) Laundromats and laundry and dry cleaning pick-up stations;

(12) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function.

(13) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises, subject to the provisions of section 30-446.3 (6).

(14) Manufacturing, warehouse, and distribution uses of food or beverages as listed in Section 30-452.1(2)(a) of under 8,000 square feet of area, but not allowing paragraph (13), and requiring consumption on premises with a minimum of 1,000 square feet of another principal use. A plan of development shall be required as set forth in article X of this chapter.

(15) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter.

(16) Office supply, business and office service, photocopy and custom printing establishments.

(17) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts.

(18) Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage or a priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along principal street frontage or priority street frontage shall be permitted only when no alley or other street frontage is available for adequate access. In the case of a portion of a story located along a street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

b. Except as provided in paragraph (a) of this subsection, parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

d. A plan of development shall be required as set forth in article X of this chapter.

(19) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(20) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

(21) Postal and package mailing services, but not including package distribution centers.

(22) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

(23) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

(24) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site.

(25) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

(26) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(27) Retail stores and shops.

(28) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight depots, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses.

(29) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(30) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section Code of Virginia § 54.1-3401.

(31) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30- 692.1 through 30-692.6.

(32) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

Sec. 30-457.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the TOD-1 district by conditional use permit as set forth in article X of this chapter:

(1) Nightclubs.

(2) Social service delivery uses, provided that:

a. A plan of development shall be required as set forth in article X of this chapter;

b. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;

c. A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The Director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any by laws;

2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;

3. Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;

4. Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;

5. Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;

6. Annual operating budget, including sources of funding.

Sec. 30-457.4. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the TOD-1 transit-oriented nodal district shall be subject to section 30-800.1.

Sec. 30-457.5. Yards.

Yard regulations in the TOD-1 district shall be as follows (see article VI, division 4, of this chapter):

(1) Front yard.

a. For dwelling units located on the ground floor:

1. A front yard of at least ten feet shall be required. In no case shall a front yard with a depth greater than fifteen feet be permitted, except as may be authorized pursuant to paragraphs (2) or (3) of this subdivision.

2. A front yard with a depth greater than fifteen feet may be provided when such front yard is improved for purposes of a pedestrian plaza, outdoor dining area as permitted by section 30-440.1 and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an Old and Historic District, the Urban Design Committee shall review the application and plans and submit a recommendation to the Director of Planning and Development Review prior to approval of such plan of development by the Director.

3. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

b. For all other uses.

1. No front yard is required. In no case shall a front yard with depth greater than ten feet be permitted, except as may be authorized pursuant to paragraphs (2) or (3) of this subdivision.

2. A front yard with a depth greater than fifteen feet may be provided when such front yard is improved for purposes of a pedestrian plaza, outdoor dining area as permitted by section 30-440.1 and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an Old and Historic District, the Urban Design Committee shall review the application and plans and submit a recommendation to the Director of Planning and Development Review prior to approval of such plan of development by the Director.

3. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) Side yards. No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R district there shall be a side yard of not less than 20 feet in width.

3) Rear yard. No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-457.6. Usable open space.

In the TOD-1 transit-oriented nodal district, a usable open space ratio of not less than 0.10 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses.

Sec. 30-457.7. Screening.

In the TOD-1 Transit-Oriented Nodal District, the screening of parking areas and refuse areas shall be provided as set forth in Sections 30-660 and 30-710.12.

Sec. 30-457.8. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas*. Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply along the principal street frontage of the lot as defined in section 30-1220 as well as any designated priority street frontage.

(b) Driveways from streets. No driveway intersecting a priority or principal street shall be permitted when alley access or another street frontage is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) Improvement requirements and landscaping standards. In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter.

Sec. 30-457.9. Height.

For purposes of this section 30-457.9, story height as defined in section 30-1220 shall be not less than ten feet and not greater than 15 feet, except that the ground floor of the building may be of greater height. Height regulations in the TOD-1 district shall be as follows:

(1) *Maximum height*.

a. No building shall exceed twelve stories in height.

b. When a rear lot line abuts or is situated across an alley from property in an R district, no portion of a building should penetrate an inclined plane originating from the third story of the property at the rear building wall and extending over the lot to the front lot line at an inclination of one foot horizontal for each one foot vertical.

c. When a side lot line abuts or is situated across an alley from property in an R district, no portion of a building should penetrate an inclined plane originating from the third story of the property at the side building wall and extending over the lot to the front lot line at an inclination of one foot horizontal for each one foot vertical.

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(3) *Determination of number of stories*. For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

Sec. 30-457.10. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the TOD-1 district shall be as set forth in this section.

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in section 30-457.2(18), (28), and (31), a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street-level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of a street level story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1) “a” shall not apply.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1) “b” shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in section 30-457.2(18), (28), and (31), windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2017-150, §3, 9-25-2017)

ARTICLE V. SIGN REGULATIONS

DIVISION 1. GENERALLY

Sec. 30-500. Findings; purpose and intent; interpretation.

The intent of this article is to provide comprehensive sign regulations which control the type, size, number and placement of signs on properties within the city in order to:

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) A sign placed on land or on a building for the purpose of identification, protection or directing person to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of the building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interest identified in subsection (a).

(c) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(Ord. No. 2017-149, § 1, 9-11-2017)

Sec. 30-502. Definitions and calculation of permitted sign area.

(a) *Definitions*. Definitions of the various types of signs are set forth in article XII of this chapter, together with other definitions of words and terms used in this chapter.

(b) *Calculation of area of sign.* For the purpose of calculating permitted sign area, the area of a sign shall be the smallest individual rectangle, triangle or circle or combination of not more than three contiguous rectangles, triangles or circles which will encompass all elements of the sign, provided that for a freestanding sign such figures need not be contiguous. The area of a double-faced sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two faces does not exceed 30 degrees. When a sign is placed on a fence, wall or any other structure that serves a separate purpose other than support for the sign, the entire area of such structure shall not be computed as sign area.

(c) Aggregate area of all signs. When, for purposes of describing permitted sign area, the sections of this article refer to the aggregate area of all signs on a lot or the aggregate area of all signs directed toward or intended to be viewed from any street frontage, such reference shall include the sum total of the areas of all signs on the lot or the sum total of the areas of all signs directed toward or intended to be viewed from any street frontage, as the case may be, provided that such sum total shall not include the areas of signs permitted in all districts by section 30-505 or the area of any sign that is specifically permitted in addition to or is specifically excluded from calculation of aggregate sign area by the district sign regulations. In no case shall the area of any individual sign permitted by the sign regulations for a particular district exceed the permitted aggregate sign area in that district. (Ord. No. 2017-149, § 1, 9-11-2017)

(d) Signs visible from any street frontage. When, for the purpose of describing permitted sign area, the sections of this article refer to signs visible from any street frontage, such reference shall include all signs on a lot which are located along a street frontage in such manner that the faces of the signs are oriented to and viewed from any point along the street providing such frontage, as well as signs located on or to a side of a building in such manner as to be viewed from the same street. For a lot having multiple street frontages, the area of signs that can be viewed from more than one street shall be attributed to the street frontage along which such signs have the more direct orientation and are more easily visible. (Ord. No. 2017-149, § 1, 9-11-2017)

(e) Buildings greater than one story in height. In the case of a building greater than one story in height where permitted sign area is determined by building frontage along a street, the permitted aggregate sign area shall be calculated based on the frontage of the ground floor of the building or buildings located on the lot. Stories other than the ground floor shall not be considered to be separate buildings. The location of permitted signs on such building shall be governed by the district sign regulations and other applicable provisions of this article and shall not be limited to the ground floor of the building.

Sec. 30-503. Prohibited signs.

The following signs shall be prohibited in all districts:

(1) Animated signs.

(2) Portable signs.

(3) Commercial flag signs, pennant signs, and any other attention-getting signs or devices such as streamers, balloons, or inflatable devices of any configuration acting to distract attention to any use other than noncommercial activity at a residential use.

(4) Vehicle or trailer signs.

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid or gas.

(6) Signs that emit sound.

(7) Off-premises signs, unless specifically permitted by this chapter.

(8) Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door.

(9) Any sign displayed without complying will all applicable regulations of this chapter.

(Ord. No. 2017-149, § 1, 9-11-2017)

Sec. 30-504. General provisions to qualify, supplement or modify other provisions.

The following subsections qualify, supplement or modify, as the case may be, the district sign regulations and shall apply to signs in all districts:

(1) *Signs to be located on main buildings*. Unless specifically indicated to the contrary by this article, permitted wall signs, projecting signs and other signs attached to buildings may be attached to main buildings or may be attached to accessory buildings.

(2) *Compliance with building code.* All signs shall conform to applicable sections of the Virginia Uniform Statewide Building Code.

(3) *Illumination of signs.* Unless otherwise specified by this article, permitted signs may be illuminated, provided the source of illumination is of such type and is located, directed or shielded so as not to shine directly on adjoining properties or streets. (Ord. No. 2018-209, §1, 9-10-2018)

(4) *Interference with traffic.* No sign shall be located, arranged, designed or illuminated in such a manner that it interferes with traffic by any of the following means:

a. Glare;
b. Confusion with a traffic control device by reason of its color, location, shape, or other characteristic;
c. Similarity to or confusion with official signs, traffic signals, warning lights or lighting on emergency vehicles; or
d. Any other means.

(5) *Underclearance for projecting signs awning signs, canopy signs, and suspended signs.* Projecting signs, awning signs, canopy sign, and suspended signs shall be provided with an underclearance of not less than eight feet. (Ord. No. 2018-209, §1, 9-10-2018)

(6) *Painted wall signs.* The total area of all wall signs painted on a building wall shall not exceed 25 percent of the area of such wall. (Ord. No. 2017-149, 9-11-2017)

(7) *Wall signs facing lots in R or RO district.* No wall sign located on a lot in a UB, UB-2, B-1, B-2 or B-3 district shall face an abutting lot located in an R or RO district unless separated therefrom by an off-street parking area serving the lot in the UB, UB-2, B-1, B-2 or B-3 district.

(8) *Signs along alley frontages.* Any portion of the aggregate sign area permitted on a lot may be allocated to wall signs attached to a building and oriented to an alley abutting the lot, provided that no such sign adjacent to or across an alley from an R or RO district shall be illuminated.

(9) *Encroachment or extension beyond property lines.* No portion of any sign or its supporting structure shall extend beyond the property lines of the lot on which it is located, provided that a sign permitted by this article may extend into or project over the right-of-way of a public street, public alley or other public way when in compliance with and authorized pursuant to the encroachment policies and regulations of the city. The area of such sign shall be included in the calculation of permitted sign area under this article.

(10) *Service station pump island and canopy signs*. Signs displayed on service station pump islands shall not be included in the calculation of aggregate sign area permitted on a lot, provided that such signs do not exceed a total of six square feet per pump face within the pump island. Signs displayed on service station pump island canopies shall be included in the calculation of aggregate sign area permitted on a lot, shall not exceed ten square feet each in area, and not more than one such sign shall be displayed on each side of a pump island canopy.

(11) *Illuminated awnings and canopies.* Except as provided in subsection (12) of this section, no awning or canopy, whether or not it contains any awning or canopy sign as defined in section 30-1220, shall be illuminated by internal or integral means or by outlining its extremities, provided that lighting external to an awning or canopy may be provided for purposes of illuminating a building or entrance thereto.

(Code 1993, § 32-504; Ord. No. 2008-2-55, § 2, 3-24-2008, Ord. No. 2017-149, §1, 9-11-2017)

Sec. 30-504.01. General provision that qualify, supplement or modify other provisions related to awning signs.

The following subsections qualify, supplement or modify, as the case may be, the district sign regulations and shall apply to awning signs in all districts:

(1) The horizontal projection, i.e. depth, of any awning containing an awning sign shall not exceed ten feet from the face of the building to which it is attached.

(2) The vertical distance, i.e., height, from the top to the bottom of any awning containing an awning sign shall not exceed four feet, including the valance.

(3) No portion of any awning containing an awning sign shall extend above any part of the windowsill level of the story, if any, above it.

(4) Any awning containing an awning sign shall be attached immediately above the lintel.

(5) An awning sign may be attached on the awning valance or the shed of the awning.

(6) Awning signs shall not be permitted above the ground floor of the building.

(7) Awning signs shall not exceed a maximum width of 75 percent of the awning length and shall not exceed a maximum of 50 percent of the awning height.

(8) Awning signs shall be permitted on awning ends.

(9) Any awning containing an awning sign shall not obscure distinctive or unique architectural elements.

(Ord. No. 2018-209, §3, 9-10-2018)

Sec. 30-504.02. General provision that qualify, supplement or modify other provisions related to canopy signs.

The following subsections qualify, supplement or modify, as the case may be, the district sign regulations and shall apply to awning signs in all districts:

(1) The horizontal projection, i.e. depth, of any canopy containing a canopy sign shall not exceed ten feet from the face of the building to which it is attached.

(2) The vertical distance, i.e., height, from the top to the bottom of any canopy containing a canopy sign shall not exceed two feet, including the valance.

(3) No portion of any canopy containing a canopy sign shall extend above any part of the windowsill level of the story, if any, above it.

(4) Any canopy containing a canopy sign shall be attached above the lintel.

(5) A canopy sign shall be attached completely below or completely above the canopy fascia or completely within the perimeter limits of the canopy fascia.

(6) Canopy signs shall not extend outside the length of the canopy.

(7) Canopy signs shall not be permitted above the ground floor of the building.

(8) Canopy signs shall not exceed a maximum width of 75 percent of the canopy or canopy fascia.

(9) Canopy signs shall not be permitted on canopy ends.

(10) Canopy signs shall be constructed of individual freestanding letters, numbers, other characters, or logos and shall not:

a. Exceed 24 inches in height.

b. Exceed 12 inches in depth.

(11) Any canopy containing a canopy sign shall not obscure distinctive or unique architectural elements.

(Ord. No. 2018-209, §3, 9-10-2018)

Sec. 30-504.1. Signs permitted in all districts.

(a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.

(b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

(c) The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.

(d) Not including any off-premises sign permitted to this article the owner of any sign used to attract attention to a commercial use, product, service, or activity and located on a lot which the use or business has ceased operating shall, within 60 days of the cessation of the use or business operation, replace the sign face with a blank face until such time as the use or business has resumed operating on the lot.

(e) Sign condition, safety hazard, nuisance abatement, and abandonment.

(1) Any sign which becomes a safety hazard or which I not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

(2) Any sign which constitutes a nuisance may be abated by the City under the requirements of Virginia Code 15.2-900, 15.2-906, or 15.2-1115, as applicable.

(Ord. No. 2017-149, §2, 9-11-2017)

DIVISION 2. DISTRICT SIGN REGULATIONS

Sec. 30-505. Signs permitted in all districts.

The following signs shall be permitted in all zoning districts, and the area of such signs shall not be included in calculating the maximum permitted area of signs permitted on any lot:

(1) Temporary sign on lot for sale or rent. On any lot for sale or rent, one or more temporary signs not exceeding an aggregate area of six square feet along each street frontage of such lot, provided such signs shall not be illuminated and shall be removed when the lot is no longer being offered for sale or rent. If affixed to the ground, such signs shall not be located within five feet of any street line or within 15 feet of any other property line.

(2) Temporary construction signs. On any building under construction, not more than two temporary signs not exceeding an aggregate area of 32 square. If affixed to the ground, such signs shall not be located within five feet of any street line or within 15 feet of any other property line.

(3) Subdivision development signs. At the entrance of any approved subdivision that is under development, one freestanding sign not exceed 32 square feet in area, provided such sign shall not be illuminated and shall not be displayed for longer than one year. Such sign shall not be located within five feet of any street line or within 15 feet of any other property line.

(4) On-site traffic directional signs. Noncommercial signs located on private property devoted to uses other than single-family or two-family dwellings and directing and guiding traffic or persons or identifying parking on such property provided such signs do not exceed four square feet in area. If freestanding, such signs shall not exceed five feet in height and shall not be located within three feet of any street line or other property line.

(5) Noncommercial flags and banners. Noncommercial flags and banners containing no commercial message, logo or name of a business or product and not displayed in connection with a commercial promotion or for purposes of attracting attention to a commercial activity.

(6) Minor signs. Minor signs.

(7) Governmental signs. Signs erected by a governmental body or required to be erected by law.

(8) Signs erected and maintained by a public utility showing the location of underground facilities or providing other information pertaining to public safety.

(9) Any sign that is required to be maintained or restored as a result of being designated as a historic sign or a contributing feature by the National Register of Historic Places, the Virginia Landmarks Register, or the Commission of Architectural Review pursuant to Article IX, Division 4 of this chapter.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-506. R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 districts.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following sign regulations shall apply in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 residential districts:

(1) *Nondwelling uses permitted by right.* On any lot utilized for nondwelling uses permitted by right, not more than two wall signs, awning signs, or canopy signs not exceeding an aggregate of 16 square feet in area on each building frontage along a street and one freestanding sign not exceeding 32 square feet in area on each site shall be permitted. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Nondwelling uses permitted by conditional use permit.* On any lot utilized for nondwelling use permitted by conditional use permit, wall signs, awning signs, and canopy signs not exceeding an aggregate of 16 square feet in area on each lot shall be permitted. Such signs shall not be illuminated. (Ord. No. 2018-209, §1, 9-10-2018)

(3) *Signs at entrance to residential neighborhoods and residential subdivisions.* One freestanding sign not exceeding 32 square feet in area at each entrance to a residential neighborhood or residential subdivision, but not more than a total of two such signs, shall be permitted.

(4) *Freestanding sign limitations.* Freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 15 feet of any other property line. Register, or the Commission of Architectural Review pursuant to Article IX, Division 4 of this chapter.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-507. R-43, R-48, R-53 and R-73 districts.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in R-43, R-48, R-53 and R-73 multifamily residential districts:

(1) *Signs permitted in R-1 through R-8 districts.* Any sign permitted in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 residential districts as set forth in section 30-506 shall be permitted.

(2) *Signs identifying other permitted uses.* On any lot utilized for any use permitted by right other than those uses set forth in Section 30-506(1), wall signs, suspended signs, awning, signs, canopy signs, and freestanding signs shall be permitted, provided that:

a. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed 12 square feet for street frontages of less than 100 feet, 20 square feet for street frontages of 100 feet to 300 feet, and 32 square feet for street frontages of greater than 300 feet.

b. Not more than one freestanding sign shall be permitted along each street frontage. Freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 15 feet of any other property line.

(Ord. No. 2017-149, §3, 9-11-2017; Ord. No. 2018-209, §1, 9-10-2018)

Sec. 30-507.1. R-63 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the R-63 multifamily urban residential district:

(1) *Signs identifying uses permitted in R-1 through R-8 districts.* Any sign permitted in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 residential districts as set forth in section 30-506 shall be permitted.

(2) *Signs identifying other permitted uses.* On any lot utilized for any use permitted by right other than those uses set forth in Section 30-506(1), wall signs, suspended signs, awning signs and canopy signs, shall be permitted, provided that: the aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed one square foot for each linear foot of building frontage along such street, nor in any case 16 square feet. (Ord. No. 2018-209, §1, 9-10-2018)

(3) *Projecting signs.* On any lot utilized for principal uses permitted only on corner lots as listed in section 30-419.3, other than those uses set forth in Section 30-506(1), projecting signs shall be permitted provided that:

a. No projecting sign shall exceed six square feet in area or be located within 25 feet of another projecting sign on the same building wall.

b. No projecting sign, other than a noncommercial flag, shall project greater than three feet from the face of the building or extend above the height of the wall to which it is attached.

c. The area of projecting signs shall be included in the calculation of maximum permitted aggregate area of all signs.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-508. Sign regulations in the R-MH manufactured home district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the R-MH manufactured home district:

(1) *Signs identifying uses permitted in R-1 through R-7 districts.* Any sign permitted in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7and R-8 residential districts as set forth in section 30-506 of this chapter.

(2) *Manufactured home parks.* On any lot utilized for a manufactured home park, one wall sign or freestanding sign not exceeding 32 square feet in area shall be permitted, provided that freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 15 feet of any other property line.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-509. RO-1, RO-2 and RO-3 districts.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in RO-1, RO-2, and RO-3 residential-office districts:

(1) *Signs identifying uses permitted in R-1 through R-8 districts*. Any sign permitted in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 residential districts as set forth in section 30-506 shall be permitted.

(2) *Signs identifying other permitted uses.* On any lot utilized for any use permitted by right other than those uses set forth in Section 30-506(1), wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs, shall be permitted, provided that:

a. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed 12 square feet for street frontages of less than 100 feet, 20 square feet for street frontages of 100 feet to 300 feet, and 32 square feet for street frontages of greater than 300 feet. In addition thereto, where two or more main buildings occupied by nondwelling uses are located on a lot, each such building may be permitted with a wall sign not exceeding 12 square feet in area.

b. No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

c. Not more than one freestanding sign shall be permitted along each street frontage. Freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 15 feet of any other property line.

(Ord. No. 2017-149, §3, 9-11-2017; Ord. No. 2018-209, §1, 9-10-2018)

Sec. 30-510. HO district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the HO hotel-office district:

(1) *Signs identifying uses permitted in R-1 through R-8 districts.* Any sign permitted in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 residential districts as set forth in section 30-506 shall be permitted.

(2) *Other permitted uses.* On any lot utilized for any use permitted by right other than those uses set forth in Section 30-506(1), wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs, shall be permitted, provided that:

a. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage. In addition thereto, one wall may be located on the face of a building above a height of 100 feet when no other signs are located on such face above a height of 35 feet. The area of such sign shall not exceed 300 square feet.

b. No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

c. Not more than one freestanding sign shall be permitted along each street frontage. Freestanding signs shall not exceed 50 square feet in area or eight feet in height.

(Ord. No. 2018-209, §1, 9-10-2018)

Sec. 30-511. I district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the I institutional district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted subject to the restrictions set forth in this section shall be permitted.

(2) *Permitted sign area*. The aggregate area of all signs visible from any street frontage shall not exceed 32 square feet. In addition thereto, where two or more main buildings are located on a lot, each building may be permitted to have a wall sign not exceeding 12 square feet in area.

(3) *Projecting signs.* No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* Not more than one freestanding sign shall be permitted along each street frontage. Freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 25 feet of any lot in an R or RO district.

(Ord. No. 2017-149, §3, 9-11-2017; Ord. No. 2018-209, §1, 9-10-2018)

Sec. 30-512. UB and UB-2 districts.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the UB and UB-2 urban business districts:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs located on a lot shall not exceed one square foot for each linear foot of street frontage nor in any case 100 square feet, provided that:

a. No individual sign shall exceed the smaller of 32 square feet in area or such smaller sign area specified elsewhere in this division.

b. For a lot having frontage on more than one street, permitted sign area shall be determined by the street frontage having the greatest dimension.

c. Where more than one main building is located on a lot, the aggregate area of all signs attached to each building shall not exceed one square foot for each linear foot of building frontage along the street nor in any case 100 square feet for each building frontage along a street, and in addition thereto such lot shall be permitted one freestanding sign subject to the restrictions set forth in subsection (4) of this section.

(3) *Projecting signs.* No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* Freestanding signs shall be permitted subject to the following:

a. One freestanding sign not exceeding 16 square feet in area or ten feet in height shall be permitted. Except as set forth in subdivision (b) of this subsection, such sign shall be included in the calculation of the permitted sign area set forth in subsection (2) of this section.

b. One freestanding sign not exceeding 32 square feet in area or ten feet in height identifying the name of a shopping center and not more than five tenants in such shopping center shall be permitted on a shopping center site when no other freestanding signs are located on such lot. Such sign shall not be included in calculation of the permitted sign area set forth in subsection (2) of this section.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-513. B-1 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the B-1 neighborhood business district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs located on a lot shall not exceed one square foot for each linear foot of street frontage nor in any case 100 square feet, provided that:

a. This subsection shall not be construed to restrict any lot to less than 32 square feet of sign area.

b. For a lot having frontage on more than one street, permitted sign area shall be determined by the street frontage having the greatest dimension.

c. Where more than one main building is located on a lot, the formula for determining permitted sign area in this subsection shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages.

(3) *Projecting signs.* No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* Freestanding signs shall be permitted only on lots utilized for uses set forth in Section 30-506(1) and shall be subject to the restrictions applicable to freestanding signs as set forth in section 30-506. Such signs shall be included in calculation of the permitted sign area set forth in subsection (2) of this section.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-514. B-2 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the B-2 community business district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed one square foot for each linear foot of street frontage nor in any case 250 square feet for each street frontage, provided that this shall not be construed to restrict any lot to less than 40 square feet of sign area per street frontage. Where more than one main building is located on a lot, the formula in this subsection for determining permitted sign area shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages.

(3) *Projecting signs*. No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) Freestanding signs. Freestanding signs shall be permitted subject to the following:

> a. Not more than one freestanding sign shall be permitted along each street frontage. The total square footage attributable to a freestanding sign shall not exceed 100 square feet in area nor shall a freestanding sign exceed 35 feet in height.
>
> b. On any lot less than two acres in area and utilized for a shopping center, one freestanding sign not exceeding 100 square feet in area or 35 feet in height shall be permitted. On any such lot having multiple street frontages, one additional freestanding sign shall be permitted along each street frontage of 300 feet or more. Such freestanding signs shall not be included in the calculation of the permitted sign area set forth in subsection (2) of this section.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-515. B-3 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the B-3 general business district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, freestanding signs and off-premises signs shall be permitted, subject to the restrictions set forth in this section and section 30-504.

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage, provided that this shall not be construed to restrict any lot to less than 50 square feet of sign area per street frontage. Where more than one main building is located on a lot, the formula in this subsection for determining permitted sign area shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages. (Ord. No. 2018-209, §1, 9-10-2018)

(3) *Projecting signs.* No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* Freestanding signs shall be permitted subject to the following:

a. Not more than one freestanding sign shall be permitted along each street frontage. The total square footage attributable to a freestanding sign shall not exceed 100 square feet in area nor shall a freestanding sign exceed 35 feet in height.

b. On any lot less than two acres in area and utilized for a shopping center, one freestanding sign not exceeding 100 square feet in area or 35 feet in height shall be permitted. On any such lot having multiple street frontages, one additional freestanding sign shall be permitted along each street frontage of 300 feet or more. Such freestanding signs shall not be included in the calculation of the permitted sign area set forth in Subsection (2) of this section.

(5) *Off-premises signs.* Off-premises signs shall be permitted provided such off-premises signs are oriented towards, visible from, and located within 660 feet of the right-of-way of an interstate highway, and further provided that:

a. Such signs shall not exceed 700 square feet in area or 35 feet in height.

b. No two structures shall be spaced less than 500 feet apart along the same side of the highway. The distance between structures shall be measured along the nearest edge of the pavement between points marking the intersections of the edge of the pavement and perpendiculars extending from the edge of the pavement to the structures.

c. No such structure shall be located within 500 feet of an interchange. The distance from an interchange shall be measured along the nearest edge of the pavement between points marking the beginning or ending of the pavement widening at the exit ramp from or entrance ramp to the main traveled way and a point marking the intersection of the edge of the pavement and a perpendicular extending from the edge of the pavement to the structure.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-516. B-4 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the B-4 central business district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area*. Permitted sign area shall be as follows:

a. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 200 square feet for each street frontage. (Ord. No. 2018-209, §1, 9-10-2018)

b. In addition to the permitted sign area set forth in subsection (2) a. of this section, one wall sign not exceeding 300 square feet may be located on each face of a building above a height of 100 feet when no other signs are located on such face above a height of 35 feet, provided that the permitted sign area for any building face may be increased by up to 25 percent by transferring permitted sign area from another face of the same building.

(3) Projecting signs. No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) Freestanding signs. One freestanding sign not exceeding 50 square feet in area or eight feet in height shall be permitted along each street frontage, provided that a flag or banner shall not exceed a height of 35 feet.

Sec. 30-517. B-5 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article the following signs shall be permitted and the following sign regulations shall apply in the B-5 central business district:

(1) *Types of permitted signs*. Wall signs, projecting signs, suspended signs and awning signs and canopy signs shall be permitted, subject to the restrictions set forth in this section.

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage.

(3) *Projecting signs.* No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(Ord. No. 2017-149, §3, 9-11-2017; Ord. No. 2018-209, §1, 9-10-2018)

Sec. 30-518. B-6 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the B-6 mixed use business districts:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed one square foot for each linear foot of lot frontage along the street nor in any case 32 square feet for each street frontage. Where more than one main building is located on a lot, the above formula for determining permitted sign area shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages.

(3) Projecting signs. No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs*. One freestanding sign not exceeding 16 square feet in area or six feet in height shall be permitted along each street frontage.

Sec. 30-518.1. B-7 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the B-7 mixed-use business district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, freestanding signs and roof signs shall be permitted, subject to the restrictions set forth in this section.

(2) *Permitted sign area*. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage. Where more than one main building is located on a lot, the above formula for determining permitted sign area shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages.

(3) *Projecting signs.* No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* One freestanding sign not exceeding 50 square feet in area or 15 feet in height shall be permitted along each street frontage.

(5) *Roof signs.* Roof signs located on buildings utilized for uses permitted by section 30-446.2 (46) of this chapter, when such signs are lawfully existing on the effective date of the ordinance from which this section is derived to include the property in the B-7 district, and provided that such signs shall not be included in calculation of permitted sign area set forth in subsection (2) of this section.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-518.2. RF-1 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article the following signs shall be permitted and the following sign regulations shall apply in the RF-1 riverfront district:

(1) *Types of permitted signs*. Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage.

(3) *Projecting signs*. No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs*. One freestanding sign not exceeding 50 square feet in area or ten feet in height shall be permitted along each street frontage of 150 feet or more, provided freestanding signs not exceeding 60 square feet in area or 12 feet in height in addition to other signs permitted by this section, and shall not be included in the calculation of aggregate sign area permitted on any lot.

Sec. 30-518.3. RF-2 district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the RF-2 riverfront district:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage.

(3) *Projecting signs*. No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* One freestanding sign not exceeding 50 square feet in area or ten feet in height shall be permitted along each street frontage of 150 feet or more, provided freestanding signs not exceeding 60 square feet in area or 12 feet in height shall be permitted in addition to other signs permitted by this section, and shall not be included in calculation of aggregate sign area permitted on any lot.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-518.4 TOD-1 district.

In addition to the regulations set forth in this article applicable to sign in all districts, the following signs shall be permitted and the following sign regulations shall apply in the TOD-1 transit-oriented nodal district:

(1) *Types of permitted signs*. Wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section.

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 200 square feet for each street frontage. (Ord. No. 2018-209, §1, 9-10-2018)

(3) *Projecting signs.* Projecting signs shall be permitted subject to the following:

a. No projecting sign shall be located within 15 feet of another projecting sign on the same building wall.

b. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

c. The aggregate of all projecting signs shall not exceed 100 square feet.

(4) *Freestanding signs.* One freestanding sign not exceeding 20 square feet in area or 5 feet in height shall be permitted.

(5) *Roof signs.* Roof signs located on buildings utilized for uses permitted by section 30-457.2, when such signs are lawfully existing on the effective date of the ordinance from which this section is derived, provided that such signs shall not be included in calculation of permitted sign area set forth in subsection (2) of this section.

(Ord. No. 2017-150, § 3, 9-25-2017)

Sec. 30-519. CM district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article the following signs shall be permitted and the following sign regulations shall apply in the CM coliseum mall district (see sections 30-502-30-504 and 30-505):

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs and awning signs and canopy signs shall be permitted, subject to the restrictions set forth in this section and section 30-504.

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street or mall frontage shall not exceed two square feet for each linear foot of lot frontage along the street or mall nor in any case 300 square feet for each street frontage.

(3) *Projecting signs.* No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-520. DCC district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the DCC downtown civic and cultural district (see sections 30-502-30-504 and 30-505):

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning signs, canopy signs and freestanding signs shall be permitted, subject to the restrictions set forth in this section.

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street or mall frontage shall not exceed two square feet for each linear foot of lot frontage along the street or mall.

(3) *Projecting signs.* No projecting sign shall be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

(4) *Freestanding signs.* Freestanding signs shall be permitted subject to the following:

a. One freestanding sign not exceeding 50 square feet in area or ten feet in height shall be permitted along each street frontage of 150 feet or more.

b. Uses located on a mall and outside of an enclosed building which are not otherwise entitled to any sign under Subsection (2) of this section and subdivision (a) of this subsection shall be permitted one freestanding sign not exceeding 12 square feet in area.

(Ord. No. 2017-149, §3, 9-11-2017)

Sec. 30-521. OS district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the OS office-service district:

(1) Signs permitted in R-1 through R-8 districts. Any sign permitted in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8 residential districts as set forth in Section 30-506 shall be permitted.

(2) *Signs identifying other permitted uses.* On any lot utilized for any use permitted by right other than those uses set forth in Section 30-506(1), wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, provided that:

a. The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed 12 square feet for street frontages of less than 100 feet, 20 square feet for street frontages of 100 feet to 300 feet, and 32 square feet for street frontages of greater than 300 feet. In addition thereto, where two or more main buildings are located on a lot, each such building may be permitted to have a wall sign not exceeding 12 square feet in area.

b. No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a flag or banner, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.

c. One freestanding sign shall be permitted. Freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 15 feet of any other property line.

(Ord. No. 2017-149, §3, 9-11-2017; Ord. No. 2018-209, §1, 9-10-2018)

Sec. 30-522. RP district.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the RP research park district:

(1) *Types of permitted signs.* Wall signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section. (Ord. No. 2018-209, §1, 9-10-2018)

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed two square feet for each linear foot of lot frontage along the street nor in any case 200 square feet for each street frontage.

(3) *Awning and canopy signs.* Not more than one sign shall be attached to each face of an awning or canopy, and no such sign shall exceed 12 square feet in area.

(4) *Freestanding signs*. One freestanding sign not exceeding 25 square feet in area or eight feet in height shall be permitted along each street frontage, provided that:

a. On any lot used as a parking lot, one freestanding sign not exceeding 12 square feet in area or eight feet in height shall be permitted along the frontage of each street from which public vehicular access is provided to the parking lot.

b. On any lot used as a research parking, freestanding signs not exceeding 60 square feet in area or 12 feet in height shall be permitted in addition to other signs permitted by this section and shall not be included in the calculation of aggregate sign area permitted on any lot.

Sec. 30-523. M-1 and M-2 districts.

Unless specifically provided otherwise in this article and subject to the regulations and restrictions set forth in this article, the following signs shall be permitted and the following sign regulations shall apply in the M-1 and M-2 industrial districts:

(1) *Types of permitted signs.* Wall signs, projecting signs, suspended signs, awning and canopy signs, freestanding signs, roof signs and off-premises signs shall be permitted, subject to the restrictions set forth in this section.

(2) *Permitted sign area.* The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed three square feet for each linear foot of lot frontage along the street nor in any case 300 square feet for each street frontage, provided this shall not be construed to restrict any lot to less than 50 square feet of sign area per street frontage. Where more than one main building is located on a lot, the formula in this subsection for determining permitted sign area shall apply to individual buildings and building frontages along a street, rather than to lots and lot frontages. (Ord. No. 2018-209, §1, 9-10-2018)

(3) *Off-premises signs.* Off-premises signs shall be subject to the regulations applicable in the B-3 general business district set forth in subsection 30-515(5).

(Ord. No. 2017-149, §3, 9-11-2017)

DIVISION 3. NONCONFORMING USES AND NONCONFORMING SIGNS

Sec. 30-524. Signs identifying nonconforming uses.

On any lot utilized for a nonconforming use and located in an R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 or R-8 residential district shall be permitted, provided that such sign shall not exceed 12 square feet in area and shall not be illuminated. Signs identifying nonconforming uses located in districts other than an R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, or R-8 residential district, signs shall conform to the sign regulations applicable in the district in which the lot is located.

Sec. 30-525. Nonconforming signs.

(a) A nonconforming sign as defined in section 30-1220 may remain except as set forth in this section. The owner of the property shall bear the burden of establishing the nonconforming status of a sign and the physical characteristic and location of such a sign. Upon notice from the zoning administrator, a property owner shall submit verification that the sign lawfully existed at the time of erection. Failure to provide such verification shall be cause for an order to remove the sign or to bring the sign into compliance with the current provision of this chapter.

(b) No nonconforming sign shall be enlarged, and no any feature of a nonconforming sign, such as illumination, shall be increased.

(c) No provision of this section shall be interpreted or construed to prevent the keeping in good repair of a nonconforming sign. Nonconforming signs shall not be extended, structurally reconstructed, or altered in any manner except that a sign face may be changed if the new face is equal to or reduced in height or sign area, either or both.

(d) No nonconforming sign shall be move any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding 50 percent, it shall not be reconstructed but may be replaces with a sign that is in full accordance with the provisions of this article.

(f) A nonconforming sign which is changed to becoming conforming or which is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

(g) A nonconforming sign structure shall be subject to the removal provisions of this chapter. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. The owner or lessee of the property shall remove such sign structure. If the owner or lessee fails to comply with this notice, the zoning administrator may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to bring the sign into compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

(Ord. No. 2017-149, §4, 9-11-2017)

Sec. 30-526. Unlawful signs.

Nothing contained in this article shall be construed to authorize or permit the continuance of any sign which was in violation of any chapter of this Code pertaining to zoning and preceding this chapter, and any such sign shall not be deemed to be nonconforming under this chapter and shall be unlawful.

DIVISION 4. PERMITS

Sec. 30-527. Required.

(a) Except as provided in subsection (b) of this section, any sign permitted by this article for which a permit to erect a sign is not required by the Virginia Uniform Statewide Building Code or any other building code which may be adopted by the city shall require a certificate of zoning compliance as set forth in article X, division 3, of this chapter.

(b) Notwithstanding the provisions of subsection (a) of this section, the following signs, display, and devices, shall not require a certificate of zoning compliance:

(1) Noncommercial flags and banners containing no commercial message, logo, or name of a business or product and not displayed in connection with a commercial promotion or for purposes of attracting attention to a commercial activity.

(2) Minor signs.

(3) Signs erected by a governmental body or required to be erected by law.

(4) Signs erected and maintained by a public utility showing the location of underground facilities or providing other information pertaining to public safety.

(Ord. No. 2017-149, §5, 9-11-2017)

ARTICLE VI. SUPPLEMENTAL REGULATIONS

DIVISION 1. GENERALLY

Sec. 30-600. Applicability of article.

The regulations contained in this article are exceptions to and qualify, supplement or modify, as the case may be, the regulations and requirements contained in article IV of this chapter.

DIVISION 2. STREET FRONTAGE AND ACCESS TO LOTS

Sec. 30-610.1. Public street frontage and access easements.

Except as provided in sections 30-610.2 and 30-610.3, every building erected and every use established shall be located on a lot having frontage on an improved public street or access thereto by means of a recorded permanent easement, provided that such easement is approved by the Director of public works, the chief of police and the chief of fire and emergency services as to its suitability for all-weather travel by public and emergency vehicles and provided, further, that appropriate agreements or covenants approved by the city attorney provide for continued maintenance thereof. For single-family detached development, no more than two lots which do not have public street frontage shall be served by any such easement unless the easement shall have been recorded prior to June 10, 1960.

Sec. 30-610.2. Frontage for attached dwellings.

Individual lots within an attached dwelling development may front on private streets or common courts where the development site considered in its entirety has frontage on a public street and when the means of access to each lot is approved by the Director of public works, the chief of police and the chief of fire and emergency services and when appropriate easements, agreements or covenants approved as to form by the city attorney provide for permanent public access and continued maintenance.

Sec. 30-610.3. Alley frontage for accessory structures or uses.

A permitted accessory structure or use may be located on a lot or portion thereof having frontage only on an improved public alley when such lot is situated within the same entire block as the principal use. No yards shall be required for such accessory structure.

(Ord. No. 2010-19-31, § 3, 2-22-2010)

DIVISION 3. LOTS AND LOT AREAS

Sec. 30-620.1. Lots recorded prior to effective date of requirements.

(a) *Lot area and density.* Minimum lot area and maximum density requirements set forth in this chapter for single-family dwellings shall not apply to lots legally recorded prior to the effective date of the ordinance from which such requirements are derived.

(b) *Lot width.* Minimum lot width requirements set forth in this chapter for single-family and two-family dwellings shall not apply to lots legally recorded prior to the effective date of the ordinance from which such requirements are derived.

(c) *Side yards on lots of substandard widths.* In any district except R-7, R-8 and R-63 districts, a single-family detached or two-family dwelling on a lot less than 50 feet in width legally recorded prior to the effective date of the ordinance from which such requirements are derived shall have a side yard adjacent to each side lot line of not less than ten percent of the width of the lot, but in no case less than three feet. An addition to the area of a lot which increases the width of the lot shall be permitted and shall not be deemed to create a violation of a side yard requirement applicable to an existing building located on the lot.

(Ord. No. 2010-18-30, § 5, 2-22-2010)

(d) *Side yard for attached dwellings on lots of substandard width.* In any district except R-7, R-8 and R-63 districts a single-family or two-family attached dwelling at the end of a series of attached units and located on a lot less than 50 feet in width recorded prior to the effective date of the ordinance from which such requirements are derived shall have a side yard of not less than ten percent of the width of the lot, but in no case less than three feet. (Ord. No. 2010-18-30, § 5, 2-22-2010)

Sec. 30-620.2. More than one main building on lot.

(a) More than one main building containing a permitted use, other than a single-family dwelling, or a two-family dwelling in an R-5A, R-6, R-7 or R-8 district, may be erected on a lot, provided that the regulations applicable in the district are met. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(b) A parsonage in a detached or attached building located on the same lot as a church or other place of worship shall be considered a permitted accessory use and shall not be prohibited as more than one main building on the lot.

(c) In any multifamily residential or residential-office district, more than one two-family dwelling located on a lot or a two-family dwelling located on the same lot as a multifamily dwelling shall be considered a multifamily dwelling for purposes of applying district regulations and off-street parking requirements.

Sec. 30-620.3. Lot width variations.

Where lots of record existing at the effective date of the ordinance [***NOTE: June 1, 1976)*** from which this chapter is derived are to be combined or divided to create not more than two new lots, and where the width of such lots cannot be increased by acquisition of additional abutting land by reason of applicable sections of this chapter or other chapters of this Code, the width of such lots may be reduced by not more than ten percent of the minimum lot width required in the district in which they are located.

Sec. 30-620.4. Lot area requirements for two-family dwellings.

Minimum lot area requirements set forth in this chapter for two-family dwellings shall not apply to the conversion of any lawful existing multifamily dwelling to a two-family dwelling.

Sec. 30-620.5. Division of lots to accommodate existing dwelling units.

A single lot of record, developed with two or more dwelling units existing on October 24, 2005, may be divided into two or more lots for purposes of establishing single-family detached, single-family attached, two-family or multifamily dwellings on individual lots, when the lots created by such division cannot meet applicable lot area, lot width, usable open space, lot coverage or yard requirements. Such division shall be permitted, provided that all of the following conditions are met:

(1) The property subject to the division shall be located in a district where the dwellings on the lots created by the division are permitted principal uses.

(2) All new lots shall comply with section 30-610.1 of this chapter regarding public street frontage and access to lots.

(3) The division shall result in at least one main building being located on each lot, and lot area, lot width and yards shall be allocated to the newly created lots on a basis reasonably proportional to the buildings and uses contained on each lot as determined by the zoning administrator.

(4) The off-street parking requirements set forth in article VII of this chapter shall be met for each dwelling unit, provided that any nonconforming parking feature existing at the time of the division may continue unless the zoning administrator determines that the resulting lot is capable of accommodating additional off-street parking.

(5) The division shall not result in the creation of any new vacant lot or additional dwelling units that would not have otherwise been permitted prior to the division.

(6) Applicable requirements of the Virginia Uniform Statewide Building Code shall be met.

(7) The division shall comply with the applicable requirements of chapter 25 of this code regarding the subdivision of land.

(Ord. No. 2005-248-236, § 1, 10-24-2005; No. 2012-74-84, § 2, 6-11-2012)

DIVISION 4. YARDS AND COURTS

Sec. 30-630.1. Required yards on lots having more than one street frontage.

(a) Except as provided in subsections 30-620.1(c) and (d), on a corner lot in a zoning district where a front yard is required there shall be a front yard along at least one street frontage, and on a corner lot on which side yards are required there shall be a street side yard of not less than ten feet along all other street frontages, provided that in the R-7 district such street side yard shall be not less than three feet, and in the R-8 district no street side yard shall be required, and provided further that:

(Code 2004, § 30-506; Ord. No. 2010-18-30, § 5, 2-22-2010)

(1) There shall be a front yard along any street frontage adjacent to or across an alley from a side lot line of another lot located in any district in which a front yard is required. The depth of such yard shall be not less than the minimum required depth of the front yard on the adjacent lot.

(2) There shall be a front yard along any street frontage opposite the architectural front of any dwelling use located on the lot.

(b) Where only one front yard is required on a corner lot having frontage on two streets, a rear yard as required in the district shall be provided at the opposite end of the lot from the front yard. Where more than one front yard is required on a corner lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required.

(c) On through lots, there shall be a front yard as required in the district along each street frontage, and no rear yard shall be required.

(d) On a corner lot in an R-63, UB-2, B-4, B-5, B-6 or B-7 district, no street side yard shall be required. On such lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required. [Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2010-177-173, § 1, 10-11-2010]

(Ord. No. 2005-50-45, § 1, 4-25-2005; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2006-197-217, § 4, 7-24-2006; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-630.2. Exceptions to required front yards on lots where adjacent main buildings exist.

(a) Except in the R-8 district, a building or addition thereto erected within 100 feet of an existing main building adjacent on each side thereof shall have a front yard as required by the following: (Ord. No. 2010-18-30, § 5, 2-22-2010)

(1) On any lot on which a front yard is required and where one or both adjacent buildings have a nonconforming front yard, a building or addition thereto erected on such lot shall have a front yard with a minimum depth of not less than the average depth of the front yards of the adjacent buildings. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 11].***

(2) On any lot in an R or RO district where the adjacent buildings have front yards greater than or equal to that required by the district regulations, a building or addition thereto erected on such lot may project in front of an adjacent building not more than one foot for each four feet of distance between the newly erected building or addition and the adjacent building or may have a front yard with a minimum depth of not less than the average depth of the front yards of the adjacent buildings, whichever is the least restrictive. This subsection shall not be construed to permit a front yard less than the minimum required by the district regulations or to require a front yard greater than 100 feet in depth.

(b) Except in the R-8 district, a building or addition thereto erected within 100 feet of an existing main building adjacent on only one side thereof shall have a front yard as required by the following: (Ord. No. 2010-18-30, § 5, 2-22-2010)

(1) On any lot on which a front yard is required and where the adjacent building has a front yard which is nonconforming or equal to that required by the district regulations, a building or addition thereto erected on such lot shall have a front yard with minimum depth of not less than the depth of the front yard of the adjacent building.

(2) On any lot in an R or RO district where the adjacent building has a front yard greater than required by district regulations, a building or addition thereto erected on such lot may project in front of the adjacent building not more than one foot for each four feet of distance between the newly erected building or addition and the adjacent building. This subsection shall not be construed to permit a front yard less than the minimum required by the district regulations or to require a front yard greater than 100 feet in depth.

Sec. 30-630.3. Front yards adjacent to R and RO districts.

Where a block is located partly in an R or RO district and partly in a district in which no front yard is normally required, the minimum front yard on that part of the block within 100 feet of the R or RO district shall be the front yard required in the R or RO district or the existing front yard of the R or RO property adjacent to the district boundary, whichever is less.

Sec. 30-630.3:1. Reserved.

Editor's Note: Ord. No. 2007-338-2008-11, adopted January 14, 2008, repealed § 30-630.3:1, which pertained to yards applicable to swimming pools and derived from Code 1993, § 32-630.3:1, and which was reordained as § 30-630.5 by Ord. No. 2007-338-2008-11, adopted January 14, 2008.

Sec. 30-630.4. Side yards for attached dwellings.

In the case of single-family and two-family attached dwellings, no side yard shall be required along a lot line in common to two attached dwellings where, for purposes of providing setback variations among a series of attached dwelling units, one dwelling is offset forward of or to the rear of the dwelling to which it is attached, provided that such offset does not exceed five feet at the front of the dwellings or ten feet at the rear of the dwellings, and provided further that applicable requirements of the Virginia Uniform Statewide Building Code are met.

(Ord. No. 2007-338-2008-11, § 3, 1-14-2008)

Sec. 30-630.5. Yards applicable to swimming pools.

All yard requirements set forth in this chapter for accessory buildings or structures shall be applicable to in-ground and aboveground swimming pools.

(Ord. No. 2007-338-2008-11, § 3, 1-14-2008)

Secs. 30-630.6--30-630.8. Reserved.

Sec. 30-630.9. Permitted projections and encroachments in yards and courts.

(a) Sills, siding, belt courses, eaves, gutters, normal roof overhangs, chimneys, pilasters and similar architectural features may project into any required yard or court pursuant to this chapter. Bay windows elevated not less than 18 inches above the adjacent finished floor level may project not more than two feet into any required yard or court. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(b) Fences and walls not exceeding 6 1/2 feet in height may be located within any required yard or court, except that in the R-6 and R-7 districts fences and walls located within required front yards shall not exceed four feet in height. In the R-63 district, no fence or wall located within a front yard shall exceed four feet in height. An additional 1 1/2 feet of height shall be permitted for posts, columns and gates for fences and walls in all districts. For purposes of this section, the height of a fence or wall shall be measured from the ground level at the base of the fence or wall.

(c) Permitted signs and poles, posts and other customary yard ornaments and accessories may be located within any required yard or court, provided that facilities for the deposit and collection of trash or refuse shall not be located within any required front or street side yard.

(d) Open or enclosed fire escapes and outside stairways required by law may project into required yards a distance of not more than four feet. Ramps providing means of ingress or egress required by law may project into required yards when such ramps cannot be located elsewhere in compliance with applicable yard and ingress or egress requirements.

(e) Unenclosed porches, balconies and steps may project into required front yards a distance of not more than ten feet, except that in the R-8 district such projection shall not exceed five feet. The width of such projection shall not extend beyond the sidewalls of the portion of the main building to which it is attached or into an extension of the required side yards on the lot, whichever is greater. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(f) Except in the R-7 and R-8 districts, an enclosed vestibule containing not more than 40 square feet in area may project into a required front yard a distance of not more than four feet. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(g) Open balconies and uncovered porches may project into required side and rear yards and required courts a distance not to exceed 20 percent of the required width of such yard or court.

(h) Except in the R-7 and R-8 districts, an unenclosed covered porch that projects into a required yard may be enclosed, provided that such porch was existing on April 25, 2005 and is attached to a single-family detached dwelling, except that when such porch is located on the architectural front of the dwelling, such enclosure shall not project more than ten feet into a required front yard and shall not contain more than 100 square feet of floor area may be enclosed for purposes of providing a vestibule or sheltered means of ingress to and egress from a dwelling, provided that such enclosed porch shall not be designed, equipped or arranged for habitable living space. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(i) An unenclosed porch or deck attached to or abutting a dwelling use having a nonconforming side yard may project into the required side yard to an extent no greater than the abutting portion of the main building, provided that the depth of such porch or deck shall not exceed ten feet and provided, further, that such porch or deck shall not extend within six feet, as measured horizontally, of any window or door containing a window in a wall of a dwelling use on an adjacent lot.

(j) Handrails and guardrails, not exceeding 42 inches in height, provided for decks, porches, balconies and stairs shall be exempt from all yard requirements and related height and encroachment limitations imposed by this chapter. Decks and porches may be attached to permitted fences and walls.

(Code 1993, § 32-630.9; Ord. No. 2003-183-130, § 1, 5-27-2003; Ord. No. 2005-50-45, § 1, 4-25-2005; Ord. No. 2006-197-217, § 4, 7-24-2006)

DIVISION 5. PARKING AND STORAGE OF RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND MOBILE HOMES

Sec. 30-640.1. Recreational vehicles.

No recreational vehicle shall be occupied for dwelling purposes except within an approved travel trailer park nor shall any recreational vehicle be parked or stored in a front yard or required side yard of any lot in an R or RO district.

Sec. 30-640.2. Personal and commercial vehicles and semitrailers.

No vehicle used for personal use that exceeds an empty weight of 6,500 pounds, semitrailer or commercial vehicle shall be parked or stored outside of a completely enclosed building on any lot in an R or RO district, except while loading or unloading. For the purposes of this section, a commercial vehicle is defined as a loaded or empty motor vehicle that exceeds an empty weight of 6,500 pounds, a trailer or a semitrailer, designed or regularly used for carrying freight, merchandise, or more than ten passengers, including buses, but not including vehicles used for vanpools. Empty weight shall be that which is identified as such for vehicle registration purposes by the state department of motor vehicles. This section shall not apply to any loaded or empty motor vehicles designed or regularly used for carrying passengers, including buses, which are accessory to a public or private school; a place of worship; or a philanthropic, charitable or eleemosynary institution.

Sec. 30-640.3. Manufactured homes.

No manufactured home, whether occupied or unoccupied, shall be parked or stored on any lot except in an approved manufactured home park or manufactured home subdivision, provided that unoccupied manufactured homes may be offered for sale, stored, serviced, repaired or manufactured in business and industrial districts where such use of the premises is permitted by this chapter.

(Code 1993, § 32-640.3; Ord. No. 2004-180-167, § 1, 6-28-2004)

DIVISION 6. HEIGHT EXCEPTIONS

Sec. 30-650.1. Towers and appurtenances, roof parapets and architectural embellishments.

The height limitations set forth in this chapter shall not apply to chimneys, smokestacks, lightning rods, electric power line support structures, accessory antennas, steeples, cupolas, ornamental towers and spires, cooling towers, elevators, bulkheads and other necessary mechanical appurtenances, or to roof parapets and architectural embellishments not exceeding four feet in height. However, no sign, display or advertising device of any kind shall be erected to exceed the height limit in the district in which it is located nor shall such be painted on or attached to that portion of a chimney, smokestack, tower, roof parapet, architectural embellishment or other structure extending above the height limit prescribed for the district in which it is located. To the extent that any wireless communications facility, microwave relay facility, or radio and television broadcast antenna and support structure exceeds the height limitations of the district regulations, such additional height shall be permitted subject to compliance with the requirements of division 11 of this article.

(Code 1993, § 32-650.1; Ord. No. 2006-331-2007-13, § 1, 1-8-2007)

Sec. 30-650.2. Public buildings.

The height of any public building may exceed the maximum height limit applicable in the zoning district in which such building is located, provided that required front, side and rear yards shall be increased in depth or width a minimum of one foot for each one foot of building height in excess of the height limit applicable in the district.

30-650.3. Height limits applicable to parking decks and parking garages in certain districts.

For purposes of application of height limits to parking decks and parking garages located in districts where height regulations are stated in terms of number of stories, the following shall apply:

(1) Each covered parking level or tier shall be construed to be a story as defined in this chapter.

(2) In a case where parking is the principal use occupying the structure, the maximum permitted number of stories may exceed by one story the height limit applicable to buildings in the district.

(3) There shall be no required minimum or maximum story height, except as may be imposed by the uniform statewide building code.

(Ord. No. 2010-20, § 1, 3-8-2010)

DIVISION 7. SCREENING OF REFUSE AREAS

Sec. 30-660. Standards for enclosures or screening.

Outdoor areas accessory to any use, except single-family and two-family dwellings located on individual lots, and used for the deposit and collection of trash or refuse shall be enclosed or screened with opaque structural or vegetative materials in such a manner as not to be visible from adjacent properties in an R, RO, HO, I or OS district or from any public street or other public space. Such enclosure or screening shall be designed so as to prevent trash or refuse from blowing onto other areas of the site or onto adjacent property or public streets or spaces

[NOTE: See Sec. 30630.9(b) & (c) - Doesn't allow in REQUIRED front yard or street side yard]

DIVISION 8. OUTDOOR LIGHTING

Sec. 30-670. Location, direction or shielding.

Outdoor lighting, when provided as accessory to any use, shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

DIVISION 9. ACCESSORY BUILDINGS

Sec. 30-680.1. Location within required yards.

(a) In any zoning district except R-6, R-7 and R-8, a building accessory to a single-family or two-family dwelling and not exceeding 12 feet in height may be located within a required rear yard, but not within five feet of an alley, provided that where a rear yard abuts a side lot line of an adjoining lot, no such accessory building shall be located nearer such side lot line than a distance equal to the minimum side yard required on the adjoining lot. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(b) In R-6, R-7, R-8, R-48, R-53 and R-63 districts, a building accessory to a single-family or two-family dwelling and not exceeding 12 feet in height may be located within a required rear yard and/or the portion of a required side yard situated within 30 feet of the rear lot line. (Ord. No. 2010-18-30, § 5, 2-22-2010)

(c) An accessory building not exceeding 12 feet in height may be located within a required side yard when attached to an accessory building on an adjacent lot by a common wall. Such accessory building shall be located not less than 15 feet behind that face of the main building which is nearest the street line.

[**Editor's Note:** Ord. No. 2010-18-30, § 5, adopted February 22, 2010, repealed § 30-30-680.1(d), which pertained to accessory buildings being considered as part of the main building if located a certain distance from the main building.]

(Code 1993, § 32-680.1; Ord. No. 2006-197-217, § 4, 7-24-2006; Ord. No. 2010-18-30, § 5, 2-22-2010))

Sec. 30-680.2. Use for dwelling purposes.

No accessory building shall be used for dwelling purposes except as may be specifically authorized pursuant to this chapter.

Sec. 30-680.3. Erection and use.

No permanent accessory building shall be erected on a lot until the construction of the main building is commenced, and no permanent accessory building shall be used until the main building is completed and a certificate of occupancy for such building has been issued.

Sec. 30-680.4. Height and size limits.

In addition to height limits set forth elsewhere in this division, no building accessory to a single-family or two-family dwelling shall exceed 20 feet in height, nor shall the building area of all accessory buildings on any lot devoted to single-family or two-family dwelling use exceed the building area of the main building on the lot.

DIVISION 9.1.

PORTABLE STORAGE UNITS.

Sec. 30-682.1. Portable storage units.

Portable storage units as defined in article XII may be located on a lot in any district subject to the following conditions, provided that such conditions shall not be applicable in the M-2 district:

(1) For periods of up to and including 15 consecutive days, a portable storage unit may be located on a lot without issuance of a certificate of zoning compliance only if the owner or occupant of the lot notifies the zoning administrator in writing of the delivery of the unit to the lot no later than the day of delivery of the unit to the lot.

(2) For periods of greater than 15 consecutive days, a portable storage unit may be located on a lot only after issuance of a certificate of zoning compliance. A single certificate of zoning compliance may be approved for a portable storage unit to be located on one lot and subsequently moved to another lot in the city when the same owner or occupant owns or occupies both lots and the unit is for the use of such owner or occupant.

(3) Portable storage units shall be located on a lot no more than a total of 25 days in any consecutive 12-month period for the same owner or occupant of the lot, provided that portable storage units being used by the owner or occupant in conjunction with construction, repair or renovation activity taking place on the lot shall not be subject to the 25-day limit; however, such units shall be removed immediately upon completion of the construction, repair or renovation activity.

(4) No portable storage unit shall exceed 150 square feet in floor area, and no portable storage unit shall be greater than eight feet in height. More than one portable storage unit may be located on a lot at the same time, provided that the total floor area of all such units on the lot does not exceed 234 square feet.

(5) Portable storage units that are subject to approval of a certificate of zoning compliance shall not be located within any required yard, provided that upon approval of the zoning administrator, such portable storage units may be located in a required yard at a location approved by the zoning administrator when the zoning administrator determines that no viable alternative location is available on the lot.

(6) All portable storage units shall be in a condition free from rust, peeling paint and other visible forms of deterioration. Identification of the business owning a portable storage unit shall be permitted on such unit.

(7) Inoperable or converted vehicles or trailers shall not be used for storage purposes, except that trailers may be used for storage purposes in industrial districts when all applicable district regulations are met.

[2010-209-216, §1; 12-13-2010]

DIVISION 10. FLOOR AREA BONUSES

Sec. 30-690. Scope of division.

Floor area bonuses as specified in this division and subject to the conditions and limitations set forth in this division may be added to the basic permitted floor area for buildings or portions thereof devoted to nondwelling uses.

Sec. 30-690.1. Permitted bonuses.

Floor area bonuses shall be permitted for such development features, in such districts and to such extent as specified in the following table. Development features enabling floor area bonuses are more fully described in and limited by section 30-690.2:

Feature for Which Bonus Is Permitted	Districts in which Bonus Is Applicable	Maximum Floor Bonus Permitted Per Feature
(1) Pedestrian plaza	RO-3, HO & B-4	10 square feet for each square foot of plaza area
(2) Building setback	RO-3, HO & B-4	5 square feet for each square foot of qualifying area
(3) Arcade or open walkway	RO-3, HO & B-4	5 square feet for each square foot of arcade or open walkway
(4) Improved roof area	RO-3, HO & B-4	2 square feet for each square foot of improved roof area
(5) Reduction in lot coverage	B-4	10 percent of basic permitted floor area for first 20 percent reduction in each building dimension; 2 percent of basic permitted floor area for each 5 percent reduction thereafter
(6) Enclosed parking	B-4	100 square feet for each parking space
(7) Dwelling use	B-4	1 square foot for each square foot of floor area devoted to dwelling use

Sec. 30-690.2. Bonus features defined.

For the purposes of this division, the features for which a floor area bonus is permitted, as enumerated in section 30-690.1, shall be defined as follows:

(1) *Pedestrian plaza* means a plaza suitably improved for pedestrian use provided at ground level on the property and unobstructed from that level upward. Such plaza shall be accessible to the public and available for their use and shall abut a public pedestrian way or shall be connected directly therewith by an entrance of not less than ten feet in width. Each overall horizontal dimension of such plaza shall be not less than 20 feet. Not more than two-thirds of the area of such plaza may be devoted to planting areas, fountains and other features not generally accessible to pedestrians.

(2) *Building setback* means the building setback, including sidewalk widening, a plaza, a landscaped area or an arcade provided at ground level on the property in addition to minimum required yards. Such area shall be provided adjacent to public streets and shall run not less than two-thirds the length of the building wall which it adjoins. Such area shall not be used for the parking or circulation of motor vehicles.

(3) *Arcade or open walkway* means an arcade or improved open walkway with a minimum width of 15 feet and a minimum unobstructed height of ten feet running completely through a building or complex of buildings and providing a direct connection between public streets or pedestrian plazas and functioning as a logical pedestrian route from one street frontage or public pedestrian area to a major destination point such as a shopping area, parking garage or plaza. Such arcades or open walkways shall be accessible to the public during the business hours of the day and shall be readily identifiable from adjoining public sidewalks or plazas.

(4) *Improved roof area* means a portion of the roof of a building open to the sky or enclosed on its sides, which area shall be accessible to the occupants of the building and suitably improved for their leisure time use. Such area may be developed for recreational purposes, roof gardens, sitting areas or outdoor restaurant facilities and shall be not less than 20 feet in each overall horizontal dimension.

(5) *Reduction in lot coverage* means a reduction in the portion of a lot covered by buildings above a height of 35 feet, provided that the overall width or depth of a building is reduced by not less than 20 percent of the corresponding lot dimension. Such reduction in building dimensions shall be in addition to applicable yard requirements.

(6) *Enclosed parking* means parking spaces provided within a main building and exclusively serving the occupants of such building.

(7) *Dwelling use* means total floor area devoted to dwelling or lodging units which are not available for occupancy for periods of less than one week, when such area is located within a main building and above the first story of such building. Floor area eligible for such bonus shall be subject to the exclusions set forth in the definition of the term “floor area” in section 30-1220.

Sec. 30-690.3. Determination of bonuses.

(a) For the purpose of determining applicable floor area bonuses, the development features specified in this division shall be mutually exclusive, in that no space credited for one type of bonus shall be used as the basis for another.

(b) Usable open space, building setbacks, improved roof areas and other features necessary to meet requirements applicable to floor area for dwelling use contained within a building shall not be used in the determination of floor area bonuses for other uses.

DIVISION 10.1. AFFORDABLE DWELLING UNITS

Sec. 30-691. Intent statement.

Pursuant to the general purposes of this chapter and the provisions of section 15.2-2305 of the Code of Virginia, 1950, as amended, and in furtherance of the purpose of providing affordable shelter for all residents of the city, the intent of this division is to provide for a voluntary affordable housing dwelling unit program that addresses housing needs, promotes a full range of housing choices, and encourages the construction and continued existence of housing affordable to low and moderate income citizens by providing for increases in density and other incentives to the applicant in exchange for the applicant providing such affordable housing. The provisions of this division are intended to be applied in accordance with affordable dwelling unit program administrative provisions adopted by the city council. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.1. Applicability.

(a) *Generally.* Subject to the limitations and provisions set forth in section 30-691.2, the provisions of this division shall be applicable to any site or portion thereof developed or to be developed for purposes of dwelling units as defined in article XII of this chapter. For purposes of these provisions, a site may include a single lot, a combination of contiguous lots, or a combination of lots that are contiguous except for intervening streets or alleys, when such combination of lots is to be developed under the same ownership and/or control pursuant to an overall development plan.

(b) *Program is voluntary.* Participation in the affordable dwelling unit program shall be at the sole discretion of the applicant, and an applicant's decision not to apply under the program shall not affect the applicant's ability to obtain density increases pursuant to other applicable provisions of this Code.

(c) *Qualifying affordable dwelling units.* For purposes of this division, affordable housing is affordable dwelling units that qualify for application of the density bonus features set forth in this division and shall be dwelling units that are affordable for purchase by households whose income is no more than 80 percent of the area median income in the Richmond-Petersburg Metropolitan Statistical Area and affordable for rental by households whose income is no more than 60 percent of the area median income in the Richmond-Petersburg Metropolitan Statistical Area, except as such percentages of the area median income may be adjusted with the approval of the city council for purposes of avoiding potential economic loss by the owner or applicant as provided in chapter 58, article III of this Code.

(d) *Dwelling units to be developed under current zoning*. If a site is proposed to be developed pursuant to the current zoning classification of the site, and no rezoning, special use permit or community unit plan is proposed to change the type or density of dwelling units or the lot sizes permitted to be developed on the site, the current zoning district regulations shall be used as the basis upon which the eligible density bonus features and number of qualifying affordable dwelling units are applied.

(e) *Dwelling units to be developed pursuant to rezoning*. In the case of a site that is proposed to be developed subject to approval of a change in the zoning classification of the site, the zoning district regulations resulting after such change in the zoning classification shall be used as the basis upon which the eligible density bonus features and qualifying number of affordable dwelling units are applied.

(f) *Dwelling units to be developed pursuant to special use or community unit plan.* Nothing contained in this division shall be construed to prohibit an applicant from voluntarily providing affordable dwelling units as part of a special use permit or community unit plan application.

(Ord. No. 2007-187-203, § 1, 9-10-2007; Ord. No. 2008-40-60, § 1, 3-24-2008)

Sec. 30-691.2. Density bonus features and qualifying affordable dwelling units.

The following modifications to applicable zoning district requirements shall be known as density bonus features, and shall be permitted as means to enable increased density of development when affordable dwelling units are provided on a site. In a case where a density bonus feature to be applied to a site is less than the maximum percentage authorized by this section, the percentage of affordable dwelling units or the percentage of floor area devoted to affordable dwelling units necessary to qualify for such bonus feature shall be reduced proportionately, as rounded to the nearest whole percentage.

(1) S*ites located in R, RO and HO districts*.

a. *Single-family detached dwellings*. The minimum required lot area, lot width and side yard width applicable to single-family detached dwellings shall be reduced by up to 20 percent, provided that not less than 11 percent of the total number of single-family detached dwellings developed on the site, including the optional density increase, are affordable dwelling units, and provided further that in no case shall the lot area be less than 3,000 square feet, nor shall the lot width be less than 25 feet, nor shall any side yard be less than three feet in width.

b. *Single-family attached dwellings*. In districts where maximum permitted average density is applicable to single-family attached dwellings, such density shall be increased by up to 20 percent, provided that not less than 11 percent of the total number of single-family attached dwellings developed on the site, including the optional density increase, are affordable dwelling units.

c. *Two-family detached dwellings*. The minimum required lot area, lot width and side yard width applicable to two-family detached dwellings shall be reduced by up to 20 percent, provided that not less than 11 percent of the total number of two-family detached dwellings developed on the site, including the optional density increase, are affordable dwelling units, and provided further that in no case shall the lot area be less than 3,600 square feet, nor shall the lot width be less than 27 feet, nor shall any side yard be less than three feet in width.

d. *Two-family attached dwellings.* The minimum required lot area and lot width applicable to two-family attached dwellings shall be reduced by up to 20 percent, provided that not less than 11 percent of the total number of two-family attached dwellings developed on the site, including the optional density increase, are affordable dwelling units, and provided further that in no case shall the lot area be less than 2,600 square feet, nor shall the lot width be less than 23 feet.

e. *Multifamily dwelling lot area*. In districts where a minimum required lot area per dwelling unit is applicable to multifamily dwellings, the following shall apply.

1. Where 23 or fewer multifamily dwelling units are permitted on a site before application of any density bonus feature, the permitted number of such units shall be increased by up to 15 percent, provided that not less than nine percent of the total number of multifamily dwelling units developed on the site, including the optional density increase, are affordable dwelling units.

2. Where 24 or more multifamily dwelling units are permitted on a site before application of any density bonus feature, the permitted number of such units shall be increased by up to ten percent, provided that not less than six percent of the total number of multifamily dwelling units developed on the site, including the optional density increase, are affordable dwelling units.

f. *Multifamily dwelling floor area ratio*. In districts where a maximum floor area ratio is applicable to multifamily dwellings, the permitted floor area shall be increased by up to ten percent, provided that not less than six percent of the total multifamily floor area developed on the site, including the optional floor area increase, is devoted to affordable dwelling units.

(2) *Sites located in UB and B-1 districts*--d*welling use floor area*. The maximum permitted floor area devoted to dwelling use shall be increased by up to 20 percent, provided that not less than 11 percent of the total dwelling use floor area, including the optional floor area increase, is devoted to affordable dwelling units.

(3) *Sites located in B-2 and B-3 districts*.

a. *Dwelling use floor area*. The maximum permitted floor area devoted to dwelling use shall be increased by up to 20 percent, provided that not less than 11 percent of the total dwelling use floor area, including the optional floor area increase, is devoted to affordable dwelling units.

b. *Building height.* The maximum permitted building height shall be increased by 12 feet when at least ten percent of the floor area permitted for dwelling use in the building is devoted to affordable dwelling units.

(4) *Sites located in the B-4 district--dwelling use floor area*. The maximum permitted floor area applicable to dwelling use shall be increased by up to ten percent, provided that not less than 6 percent of the total dwelling use floor area, including the optional floor area increase, is devoted to affordable dwelling units. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.3. Calculation of numbers of dwelling units.

In the case of density bonus features for an increase in average density of single-family attached dwellings on a site or an increase in the number of multifamily dwelling units on a site, the following rules shall apply in the calculation of numbers of dwelling units.

(1) *Number of dwelling units permitted before application of bonus feature*. When calculation of the number of dwelling units permitted on a site before application of the density bonus feature results in a fractional number, the permitted number of dwelling units shall be the lower whole number.

(2) *Number of additional dwelling units or affordable dwelling units*. When calculation of the number of additional dwelling units resulting from application of the density bonus feature results in a fractional number, or when calculation of the number of affordable dwelling units necessary to qualify for such bonus feature results in a fractional number, the number of additional dwelling units or number of affordable dwelling units shall be the nearest whole number. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.4. Distribution and physical compatibility of affordable dwelling units.

Affordable dwelling units intended to qualify for density bonus features shall comply with the following criteria. For purposes of this section, dwelling unit type shall be construed to mean any of the dwelling uses defined in article XII of this chapter that are permitted on the site, and including the number of bedrooms contained therein.

(1) *Distribution.* Affordable dwelling units of the given dwelling unit type shall be located on a site so as to be interspersed among the market rate dwelling units of the same dwelling unit type on the site, and shall not be concentrated together or otherwise separated from market rate dwelling units.

(2) *Physical compatibility*. The exterior appearance of affordable dwelling units shall be similar to and compatible with the typical exterior appearance of market rate units of the same dwelling unit type on the site by provision of similar architectural style and similar exterior building materials, finishes and quality of construction, except as may be adjusted with the approval of the city council's designee for purposes of avoiding potential economic loss by the owner or applicant as provided in chapter 58, article III of this Code.

(3) *Dwelling unit types and sizes*. The number of market rate dwelling units of a given dwelling unit type on the site shall be not less than the number of affordable dwelling units of the same dwelling unit type. The floor area of affordable dwelling units shall comprise not less than 80 percent of the typical floor area of market rate dwelling units of the same dwelling unit type, provided that no affordable dwelling unit bedroom shall contain less than 100 square feet of floor area. (Ord. No. 2007-187-203, § 1, 9-10-2007; Ord. No. 2008-40-60, § 1, 3-24-2008)

Sec. 30-691.5. Phasing of development.

On any site where dwelling units are to be developed in phases, affordable dwelling units intended to qualify for density bonus features shall be developed in accordance with the following provisions.

(1) *Phasing plan*. A phasing plan describing the phasing of construction of affordable dwelling units and market rate dwelling units shall be submitted with the plan of development.

(2) *Certificates of use and occupancy.* Certificates of use and occupancy shall not be approved for more than 50 percent of the market rate dwelling units constructed on the site until certificates of use and occupancy are approved for at least 50 percent of the affordable dwelling units constructed on the site. Certificates of use and occupancy shall not be approved for more than 80 percent of the market rate dwelling units constructed on the site until certificates of use and occupancy are approved for 100 percent of the affordable dwelling units constructed on the site. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.6. Other incentives.

(a) *Fee reduction.* Applicants participating in the affordable dwelling unit program shall be eligible for a reduction of those development fees specified in Appendix A to this Code that are otherwise applicable, to the extent that such fees shall be reduced by a percentage amount equal to the percentage of affordable dwelling units provided.

(b) *Expedited consideration.* Applications proposing the development of affordable dwelling units pursuant to this program shall be given expedited consideration relative to other applications proposing residential development. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.7. Plan of development.

(a) *Plan of development required*. In addition to plan of development requirements that may otherwise be applicable in the district in which the site is located, a plan of development shall be required as set forth in article X of this chapter for all affordable dwelling units intended to qualify for density bonus features authorized by this division.

(b) *Indication of affordable dwelling units on plans*. All affordable dwelling units intended to qualify for density bonus features authorized by this division shall be indicated on plans accompanying the plan of development, together with such additional information as necessary to determine compliance with the provisions of this division.

(c) *Approval of plan of development*. No plan of development for a site that includes any of the density bonus features authorized by this division shall be approved by the Director of planning and development review until the affordable dwelling unit program administrator has provided written certification to the Director that the program criteria necessary to qualify for such density bonus features are met. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.8. Certification of affordable dwelling unit program applicability.

In order for any of the density bonus features authorized by this division to be applicable to a site, the requirements of the affordable dwelling unit program administrative provisions established by the city council shall be met. The zoning administrator shall not approve any application for a building permit, certificate of use and occupancy or certificate of zoning compliance that includes any of the density bonus features authorized by this division until the affordable dwelling unit program administrator has provided written certification to the zoning administrator that the program criteria necessary to qualify for such density bonus features are met. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.9. Processing timeframe.

The city shall have no more than 280 days in which to process site or subdivision plans proposing the development or construction of affordable dwelling units under the affordable dwelling unit program. The calculation of such periods of review shall include only the time that plans are in review, and shall not include such time as may be required for revision or modification in order to comply with lawful requirements set forth in applicable ordinances and regulations. (Ord. No. 2007-187-203, § 1, 9-10-2007)

Sec. 30-691.10. Reserved.

Editor's Note: Ord. No. 2008-40-60, adopted March 24, 2008, repealed § 30-691.10, which pertained to contribution in lieu of providing affordable dwelling units and derived from Ord. No. 2007-187-203, § 1.

Sec. 30-691.11. Administration of affordable dwelling unit program.

The city's affordable dwelling unit program shall be administered in accordance with the provisions of the affordable dwelling unit program administrative provisions adopted by the city council. (Ord. No. 2007-187-203, § 1, 9-10-2007)

DIVISION 11. WIRELESS TELECOMMUNICATIONS FACILITIES, MICROWAVE RELAY STATIONS, AND RADIO AND TELEVISION BROADCAST ANTENNAS

Sec. 30-692. Purpose of division.

Sections 30-692.1 through 30-692.7 are for the purpose of setting forth requirements for the location and design of wireless communications facilities, microwave relay facilities, and radio and television broadcast antennas. (Ord. No. 2017-187-106, § 1, 6-26-2017)

Sec. 30-692.1. Intent statement.

The growth of commercial wireless communications has resulted in a need for additional antenna sites, with such need marked by not only the number of facilities required, but also the geographic distribution. Other technological changes in the traditional radio and television broadcast industry and in the use of microwave voice and data transmission are resulting in similar increased demand for antenna sites. These services of the utilities and communications sector have merit and value for the community and region as a whole, but can also result in facilities which are in conflict with the existing or planned character of the surrounding area. It is the intent of the city to create an expanded range of opportunities to accommodate continued growth of the services, while guiding the design of the facilities in a manner that takes into account the existing or planned character around a proposed site. These opportunities include the establishment of facilities through installation on existing buildings (alternative support structures), the establishment of new facilities through the construction of new monopoles, flexibility for the use of properties which may be nonconforming or may already be subject to special use permits or community unit plans, and greater flexibility for the development of facilities on city property where larger sites or existing nonresidential uses may result in a less intrusive installation when compared to other nearby properties. (Ord. No. 2018-157, § 1, 6-25-2018)

Sec. 30-692.1:1. Definitions.

The following words, terms, and phrases, when used in this Division 11, shall have the meanings ascribed to them in this section, except where the context clearly indicates that a different meaning is intended:

Administrative review-eligible project means a project that provides for:

1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (1) not more than 10 feet above the tallest existing utility pole located with 500 feet of the new structure with the same public right-of-way or within that exiting line of utility poles; (ii) not locate with the boundaries of a local, state or federal historic district; (iii) not locate inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or (Ord. No. 2018-157, § 1, 6-25-2018)

2. The co-location on any alternative support structure of a wireless facility that is not a small cell facility. (Ord. No. 2018-157, § 1, 6-25-2018)

Alternative support structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the City of an agreement with the owner of the structure to co-locate equipment on that structure. “Alternative support structure” includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, building, utility poles, light poles, flag poles, signs and water towers. (Ord. No. 2018-157, § 1, 6-25-2018)

Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

Base station means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

Director means the Director of Planning and Development Review or the designee thereof. (Ord. No. 2018-157, § 1, 6-25-2018)

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

New structure means a free-standing wireless support structure, as opposed to a co-located wireless facility, that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any require zoning approval. (Ord. No. 2018-157, § 1, 6-25-2018)

Project means (i) the installation or construction by a wireless service provider or wireless infrastructure provider of a new structure or (ii) the co-location of any alternative support structure of a wireless facility that is not a small cell facility. “Project” does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an alternative support structure to which the provisions of section 30-692.7 apply. (Ord. No. 2018-157, § 1, 6-25-2018)

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

Small cell facility co-location permit means a permit authorizing a wireless service provider or wireless infrastructure provider to co-locate a small cell facility on an alternative support structure. (Ord. No. 2018-157, § 1, 6-25-2018)

Standard process project means any project other than an administrative review-eligible project. (Ord. No. 2018-157, § 1, 6-25-2018)

Utility pole means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

Water tower means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

Wireless services means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

Wireless services provider means a provider of wireless services.

Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

(Ord. No. 2018-157, §2, 6-25-2018)

Sec. 30-692.1:2. Applications for the installation or construction of projects.

(a) All applications to install or construct projects in the City shall be submitted to the Director in the form of a plan of development, all documentation required in section 30-692.2, and any other documentation the Director may requires. A fee as set forth in appendix A to this Code shall accompany the submittal of each application.

(b) Applicants for standard process project whose proposed projects do not meet applicable criteria of this division 11 may either modify their proposed projects to comply with this division or seek initial approval for their projects by separate application for a special use permit, variance or other available means of zoning approval. A fee as set forth in Appendix A to this Code shall accompany the submittal of each application for a special use permit, variance or other available means of zoning approval. Notwithstanding anything to the contrary in this chapter 30, applicants desiring to install or construct administrative review-eligible projects shall not be required to obtain a special exception, special use permit, or variance.

(c) The City shall notify the applicable project applicant by email within ten business days after receiving an incomplete application for any purpose described in subsections (a) or (b) of this section. Such notice shall specify any additional information required to complete the application. Failure by the City to so provide this notice will render the application complete.

(d) Unless the City and applicant mutually agree to extend the application review period, the City shall approve or disapprove a complete application for any purpose descried in subsections (a) or (b) of this section with the following periods of time:

(1) For a new structure, with the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval;

(2) For the co-location of any wireless facility that is not a small cell facility, with the lesser of 90 days of receipt of the completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C § 1455(a).

Failure by the City to approve any such complete application with the applicable periods above shall render such applications approved.

(e) Following disapproval by the City of any application described in subsections (a) or (b) of this section, the City shall provide the applicant with a written statement of the reasons for such disapproval. If the City is aware of any modifications to the project described in the application that if made would permit the City to approve the project, the City will identify them in such written statement. Subsequent disapproval by the City of a project application incorporating such identified modifications may be used by the applicant as evidence in any appeal asserting the City's disapproval was arbitrary and capricious.

(f) Disapproval by the City of any application described in sections (a) or (b) of this section shall (i) not reasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services and other providers of functionally equivalent services, and (ii) be supported by substantial record evidence contained in a written record publicly released within thirty days following the disapproval.

(g) Applications described in section 30-692.4 below shall be subject to subsections (c) through (f) of this section.

Sec. 30-692.2. Standards applicable to all wireless facility projects.

(a) In addition to meeting minimum submission requirements for any application materials the Director may require, requests for approval for wireless facility projects shall include the following: (Ord. No. 2018-157, § 1, 6-25-2018)

(1) The applicant's narrative containing the following information:

a. The address and latitude/longitude of the proposed location;
b. A description of communications/broadcast services which the applicant intends to provide at the site;
c. The methodology behind the site selection (i.e., describe alternative sites considered in the site selection process and why the proposed site is the most suitable);
d. A description of any other regulatory review required for the site and the status of that review (Federal Communications Commission, Federal Aviation Administration, NEPA impact report);
e. The measures that will be taken to ensure compatibility with surrounding properties;
f. A statement acknowledging removal of antennas upon termination of the use;
g. A statement indicating compliance with NIER standards;
h. A noninterference statement;
i. A statement indicating the feasibility of collocation of other users at the site; (Ord. No. 2018-157, § 1, 6-25-2018) and
j. A statement indicating whether the site will be shared with the city if needed for public safety purposes.

(2) A map showing the location of the proposed site and the location of existing facilities operated or owned by the applicant within the city and within three miles of the corporate limits, with an accompanying description of each facility (address, latitude/longitude, height of support structure, mounting height of antenna array, and willingness to allow and feasibility of collocation of other users at site).

(3) Plans required for applications shall also clearly depict the following:

a. The location of the facility within the overall property, the access point from a public street, the location of other structures within 100 feet.
b. A detailed layout plan consisting of a site plan, roof plan, floor plan, as applicable to the specific proposal.
c. Detailed elevation drawings showing the location and type of antenna array, the structural element to which the array will be affixed, and for mounts using alternative support structures, any architectural device used to incorporate the array into building/structure design, the location and materials of any security fencing where required.
d. The location and details of lighting when required.
e. The location, type of equipment, noise suppression measures and operational procedure for any emergency power supply.
f. The color of antennas, cables, support structure.
g. Landscape plans-minimum evergreen hedge for the base of the support structure and ground-mounted equipment, with additional trees for support structure screening.

(b) There shall be no signage identifying the site except for a single nameplate not exceeding four square feet in sign area.

(c) Any wireless facility, wireless support structure, and other equipment supporting the wireless facility which has not been used for the purpose of radio transmission or wireless communication for a continuous period of 12 months shall be deemed to be abandoned and shall be removed from the premises within 90 days of such abandonment. (Ord. No. 2018-157, § 1, 6-25-2018)

Sec. 30-692.3. Permitted use of alternative support structures.

Use of alternative support structures for the uses described in this division shall be permitted on nonconforming properties and properties which are already subject to special use permits, institutional master plans or community unit plans. Such installations shall be deemed to be a permitted alteration of a nonconforming property and shall be deemed in substantial conformance with the special use permit, institutional master plan or community unit plan, provided the installation is in conformance with the review criteria set forth in subsections 30-692.4(b), as determined by plan of development review, if required, in accordance with article X of this chapter for nonconforming properties and properties subject to special use permits or institutional master plans and by final plan review, if required, in accordance with article IV division 30 of this chapter for properties subject to community unit plans. (Ord. No. 2015-80-74, § 1, 5-11-2015; Ord. No. 2018-157, § 1, 6-25-2018)

Sec. 30-692.4. Review criteria for installations utilizing alternative support structures.

(a) The authorization in this chapter for use of alternative support structures provides a less obtrusive alternative to the traditional monopole and tower-based facilities by accommodating installations that are a companion and subordinate use in conjunction with a permitted principal or accessory use of a property. Such installations may include but not be limited to rooftop installations; installations on the face of buildings and on the exterior of otherwise permitted rooftop mechanical enclosures; installations on otherwise permitted water towers serving municipal, business or industrial uses; and installations within otherwise permitted ornamental towers and steeples.

(b) The following standards shall be applicable to all installations on alternative support structures:

(1) The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 25 feet, except for whip antennas which may result in a combined projection of up to 35 feet, and the hardware on which antennas are mounted shall not project above the alternative support structure by more than 20 feet.

[NOTE: Previous (2), prohibitions of installations on single- and two-family dwellings or on property containing such use were DELETED]. (Ord. No. 2018-157, § 1, 6-25-2018)

(2) Notwithstanding the provisions of section 30-692.2(a), applicants for projects meeting the following criteria shall be required to apply for and obtain a certificate of zoning compliance and shall not be required to obtain a plan of development of final community unit plan approval: (Ord. No. 2018-157, § 1, 6-25-2018)

(a) The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed ten feet; provided, however, if the installation is visible from the principal street frontage, then the combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed five feet in height.

(b) The maximum dimensions of the antenna shall not exceed two feet by two feet by two feet or an alternative design not to exceed three cubic feet.

(c) The maximum dimensions of any new mechanical enclosures or cabinets located on a support structure where they would be visible shall not exceed five feet by two feet by two feet.

(d) Any portion of the installation that is visible from the principal street frontage shall be designed and colored to appear as an element of the alternative support structure, including the use of antennas, cables and equipment that are painted or tinted to match the surface of the alternative support structure to which they are affixed. (Ord. No. 2015-80-74, § 1, 5-11-2015)

[NOTE: Additional standards, previous (c) & (d) were DELETED]. (Ord. No. 2018-157, § 1, 6-25-2018)
(Code 1993, § 32-692.4; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2018-157, § 1, 6-25-2018)

Sec. 30-692.5. Review criteria for installations utilizing new structures and for installations on existing structures. (Ord. No. 2018-157, § 1, 6-25-2018)

(a) In addition to the information to be contained in the narrative required by section 30-692.2, an application for a new structure shall thoroughly document the reasons the proposed wireless facilities to be placed thereon could not be accommodated on nearby existing structures or be co-located with other users on nearby existing monopoles or towers and that the new structure is the only feasible option. (Ord. No. 2018-157, § 1, 6-25-2018)

(b) All new structures shall be limited to monopole designs, only, and shall be subject to the following locational standards: (Ord. No. 2018-157, § 1, 6-25-2018)

(1) There shall be a setback of 500 feet from any property within an R or RO zoning district and a setback of 1,000 feet from the shoreline of the James River. In no case shall a setback exceed the largest setback imposed by this chapter 30 on other types of similar structures of a similar size, including utility poles.

(2) The maximum height of any monopole and antenna array shall be 199 feet, except that for any monopole and antenna array proposed within 1,000 feet of the right-of-way of an interstate highway, the height shall not exceed 155 feet.

[**NOTE: Previous (c) was deleted]** (Ord. No. 2018-157, § 1, 6-25-2018)

(c) The antenna array shall be designed to present the least horizontal dimension possible. Where the proposed array is not designed either as a tubular antenna array (unicell) or as cluster-mounted array (panel antennas affixed directly to the side of the monopole), in addition to the information to be contained in the narrative required by section 30-692.2:1, a statement shall be provided as to why those types of hardware are not technically feasible. (Ord. No. 2018-157, § 1, 6-25-2018)

(d) The support structure and antenna array shall be of a color that is of neutral tone, selected to blend with the natural background (e.g., gray, light blue or silver if in open ground; green if among trees).

(e) There shall be no lighting of the support structure or antenna array unless required by the city or state or federal agency.

(f) Dish antennas as part of a microwave relay facility shall not exceed ten feet in diameter.

(g) When microwave dish antennas are accessory to a wireless facility and are to be mounted on the monopole, such dishes shall not exceed six feet in diameter and shall not be mounted so as to extend more than six feet from the monopole. (Ord. No. 2018-157, § 1, 6-25-2018)

Sec. 30-692.6. Criteria for installations of public wireless facilities and support structures. (Ord. No. 2018-157, § 1, 6-25-2018)

The installation of any public wireless facility and wireless support structures shall not be subject to the requirements of sections 30-692.2-30-692.5, but shall instead be subject to location, character and extent approval by the Planning Commission in accordance with the requirements of section 17.07 of the Charter. (Ord. No. 2018-157, § 1, 6-25-2018)

Sec. 30-692.7. Installation of small cell facilities on alternative support structures.

(a) Notwithstanding anything to the contrary in this chapter 30, the co-location of small cell facilities by a wireless services provider or wireless infrastructure provider on an alternative support structure, all as defined in this section, shall be permitted subject to the provisions of this section, provided that the wireless services provider or wireless infrastructure provider has permission from the owner of the alternative support structure to co-locate equipment on that alternative support structure and so notifies the Director of Planning and Development Review or the designee thereof. (Ord. No. 2018-157, § 1, 6-25-2018)

[NOTE: (b) was deleted/moved to create 30-692.1:1. Definitions.](Ord. No. 2018-157, §1, 6-25-2018)

(b) No small cell facility shall be co-located on any alternative support structure and no building permit authorizing the co-location of any small cell facility on any alternative support structure shall be issued until the wireless service provider or wireless infrastructure provider obtains a small cell facility co-location permit for the co-location of such small cell facility.

(c) Applications for small cell facility co-location permits shall be submitted to the Director of Planning and Development Review or the designee thereof and may include up to 35 permit requests on a single application. A permit fee and processing fee as set forth in Appendix A of this code shall accompany each application. Applications shall include the following information for each permit requested. Any application not containing all of the following information may be deemed incomplete by the Director of Planning and Development Review or the designee thereof.

(1) The applicant's name and status as a wireless service provider or wireless infrastructure provider and a valid electronic mail address at which the applicant may be contacted; and

(2) The address and latitude/longitude of the alternative support structure on which the small cell facility will be co-located; and (Ord. No. 2018-157, § 1, 6-25-2018)

(3) The owner of the alternative support structure and an agreement or other evidence showing the owner has granted permission to the applicant to co-locate on the alternative support structure, which evidence may include the owner’s signature on the application; and (Ord. No. 2018-157, § 1, 6-25-2018)

(4) A description of any other regulatory review required for the site and the status of that review (e.g., Federal Communications Commission, Federal Aviation Administration, NEPA impact report); and

(5) A statement that the small cell facility and operation thereof will not materially interfere with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities; and

(6) Plans clearly depicting the following:

a. The dimensions and specifications of the small cell facility, including the antennae, base station, and all other associated wireless equipment; and

b. A detailed layout plan consisting of a site plan, roof plan, floor plan, as applicable to the alternative support structure; and (Ord. No. 2018-157, § 1, 6-25-2018)

c. Detailed elevation drawings showing the co-location of the small cell facility, including the base station and all other associated equipment, on the alternative support structure; and (Ord. No. 2018-157, § 1, 6-25-2018)

d. In the case of an installation on publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, such plans and elevation drawings shall include:

1. The color of the alternative support structure and the small cell facility, the base station and all other associated equipment;
2. The location and details of lighting, when applicable; and
3. Landscape plans for the base of the alternative support structure and ground mounted equipment.

(Ord. No. 2018-157, § 1, 6-25-2018)

(d) Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the Director of Planning and Development Review or the designee thereof shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. Within 60 days of receipt of a complete application, the Director of planning and development review or the designee thereof shall either approve the application, disapprove the application, or extend the period for an additional 30 days by providing written notice of such extension to the applicant. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The application shall be deemed approved if the Director of planning and development review or the designee thereof does not disapprove the application within 60 days of receipt of the complete application unless within such 60 days the Director of planning and development review or the designee thereof extended the period for an additional 30-days pursuant to this section, in which case the application shall be deemed approved if the Director of Planning and Development Review or the designee thereof does not disapprove the application within 90 days of receipt of the completed application.

(e) Provided the applicant is in compliance with all provisions of this section, the Director of Planning and Development Review or the designee thereof shall not unreasonably condition, withhold, or delay the issuance of a small cell facility co-location permit and may only disapprove a small cell facility co-location permit for the following reasons.

(1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

(2) The public safety or other critical public service needs;

(3) Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or

(4) If the alternative support structure upon which the small cell facility would be co-located is within an old and historic district as set forth in article IX, division 4 of this Chapter 30 and no certificate of appropriateness authorizing the small cell facility has been issued as required by article IX, division 4 of this Chapter 30.

(f) Nothing shall prohibit an applicant from voluntarily submitting, and the Director of Planning and Development Review or the designee thereof from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

(g) Any wireless support structure or wireless facility permitted pursuant to this section and which has not been used for wireless services for a continuous period of 12 months shall be deemed to be abandoned and shall be removed for the premises within 90 days of such abandonment.

(h) Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from the permitting requirements and fees set forth herein.

(Ord. No. 2017-106, § 2, 6-26-2017; Ord. No. 2018-157, § 1, 6-25-2018)

DIVISION 11.1. TEMPORARY EVENTS

Sec. 30-693. Temporary events exempt from the provisions of this chapter.

A temporary event as defined in section 30-1220 of this Code shall be exempt from the provisions of this chapter and shall not require a certificate of zoning compliance.

(Ord. No. 2012-234-2013-2, § 2, 1-14-2013)

[Editor's Note: Ord. No. 2012-234-2013-2, §2 adopted January 14, 2013, incorrectly assigned 30-693 to Division 13, which already existed; it has been placed in this location to keep the section numbers in succession and was assigned Division 11.1 for ease of use until the Code Is updated and/or re-codified.**]**

DIVISION 11.1. RESERVED

Secs. 30-693.1--30-693.9. Reserved.

Editor's Note: Ord. No. 2007-187-203, adopted September 10, 2007, repealed §§ 30-693.1--30-693.9, which pertained to affordable dwelling unit program, and derived from Ord. No. 2006-326-2007-24.

DIVISION 12. HOME OCCUPATIONS

Sec. 30-694. Intent.

The intent of the provisions of this division is to recognize the need for some citizens of the city to use a portion of their residence for the purposes of a home occupation as defined in article XII of this chapter, and to recognize the public benefits of increase economic activity and reduction of commuter traffic resulting from home occupations, while protecting the integrity of residential areas by permitting limited business activity within a residence or its accessory building only to an extent that it does not adversely affect the appearance, character or condition of the residence or the surrounding neighborhood.

(Ord. No. 2005-339-2006-10, § 2, 1-9-2006)

Sec. 30-694.1. Home occupation regulations.

The following provisions shall apply to home occupations in all districts in which they are permitted by the use of regulations set forth in this chapter.

(1) *Employment.* Only persons living together as a family on the premises shall be employed on the premises in the conduct of the home occupation.

(2) *Location.* The home occupation shall be conducted within the dwelling unit or within a completely enclosed accessory building on the same property, provided that the home occupation use of an accessory building shall be permitted only when authorized by exception granted by the board of zoning appeals pursuant to section 30-1040.3 of this chapter. Use of an accessory building for motor vehicle parking or incidental storage of products or materials used in conjunction with a home occupation conducted within the dwelling unit shall not require an exception. There shall be no outside activity or outside storage of products or materials in conjunction with any home occupation.

(3) *Area.* The home occupation, whether located in the dwelling unit or in an accessory building, shall not occupy an area greater than the equivalent of 25 percent of the enclosed and heated floor area of the dwelling unit or more than 500 square feet, whichever is less. Areas within enclosed buildings and use for parking of vehicles as may be required by section 30-640.2 of this chapter shall not be included in calculation of the area devoted to the home occupation.

(4) *Appearance.* There shall be no signs, other than specifically permitted by article V of this chapter, and no displays or alterations to the exterior of the building or premises that would distinguish it as being devoted to a non-dwelling use.

(5) *Intensity/traffic.* Visitation by clients, customers, vendors or other visitors associated with the home occupation, including deliveries, shall not exceed a total of four vehicles per day, nor more than two persons at any one time, and shall occur only between the hours of 8:00 a.m. and 6:00 p.m.

(6) *Vehicles.* Parking or storage of vehicles shall be subject to the limitations set forth in section 30-640.2 of this chapter, provided that no more than two vehicles used in conjunction with a home occupation shall be parked or stored on the premises either outside or inside a completely covered enclosed building.

(7) *Prohibited activities.* In conjunction with any home occupation, no product shall be offered for sale directly to customers on the premises, there shall be no housing of persons for compensation, and there shall be no repair of vehicles or internal combustion engines. The following uses or activities shall be prohibited as a home occupation: beauty salons, barber shops, manicure or pedicure services, massage therapy, medical or dental offices and clinics, catering businesses, kennels, veterinary clinics and similar uses or activities.

(8) *Performance.* There shall be no process or activity conducted or equipment operated that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses beyond the lot lines of the property on which the home occupation is conducted. In the case of a home occupation conducted in a dwelling unit other than a single-family detached dwelling, such impacts shall not be discernable to the normal senses outside of the dwelling unit. The use or storage or both of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited. (Ord. No. 2005-339-2006-10, § 2, 1-9-2006)

Sec. 30-694.2. Certificate of zoning compliance.

A certificate of zoning compliance shall be required for each home occupation in accordance with the provisions of division 3 of article X of this chapter. (Ord. No. 2005-339-2006-10, § 2, 1-9-2006)

DIVISION 13. SPECIAL PROVISIONS IN FLOODPLAINS

Sec. 30-696. Applicability of division.

The provisions of this division shall be applicable to buildings and structures situated in any district and located within a designated floodplain.

Sec. 30-696.1. Parking decks and parking garages.

District regulations prohibiting parking or related circulation of vehicles within portions of parking decks and parking garages located along a principal street frontage shall not be applicable to portions of such structures located below the elevation of the 100-year flood, provided that such parking spaces located along a principal street frontage shall be screened from view from the street by structural material of not less than 45 percent opacity and in accordance with the Virginia Construction Code.

Sec. 30-696.2. Building height measurement.

In the case of a building located within a designated floodplain in any district in which height regulations are stated in terms of number of stories, the determination of number of stories shall be as set forth in the district height regulations or may be measured from the elevation of the 100-year flood, whichever enables the greater building height. The first story above the elevation of the 100-year flood shall be construed to be the ground floor for purposes of applying the district height regulations.

Sec. 30-696.3. Building façade fenestration.

District regulations requiring building façade fenestration shall not be applicable to that portion of a story of a building located below the elevation of the 100-year flood.

(Ord. No. 2011-205-2012-1, 1-9-2012)

[**NOTE:** Division 13 entitled, "*Special Provisions in Floodplains"* was derived from and re-ordained as a separate Division from several height provisions entitled, "*Height measurement in case of floodplains"* within the RF-1 & RF-2 districts.]

ARTICLE VII.

OFF-STREET PARKING AND LOADING REQUIREMENTS

DIVISION 1. GENERALLY

Sec. 30-700. Applicability of article.

Off-street parking, bicycle parking and loading spaces for uses permitted by this chapter shall be provided in such numbers, at such locations and with such improvements as required by this article. (Ord. No. 2015-151-164, § 1, 9-14-2015)

DIVISION 2. OFF-STREET PARKING REGULATIONS

Sec. 30-710.1. Number of spaces required for particular uses.

(a) Except as otherwise provided in this article, the minimum number of off-street parking spaces required for uses located in any district shall be as follows (See sections 30-710.2 through 30-710.3 for special off-street parking requirements in certain districts and the method of determining the number of spaces, and see article IX of this chapter for requirements if property is located in a parking overlay (PO) district:

(Ord. No. 2015-151-164, § 1, 9-14-2015)

	Use		Number of Spaces Required
(1)	Dwelling, single-family detached		1
(2)	Dwelling, single-family attached		1
(3)	Dwelling, two-family		2
(4)	Dwelling, multifamily:		
	a.	One main building on a lot of record	1 per dwelling unit
	b.	More than one main building on a lot of record	1.5 per dwelling unit containing 2 bedrooms or more; 1.25 per dwelling unit containing fewer than 2 bedrooms
	c. **(Ord. No. 2008-2-55, § 2, 3-24-2008)**	In R-63 district	1 per dwelling unit **(Ord. No. 2008-2-55, § 2, 3-24-2008)**

(4.1)	**Dwelling unit:** (Ord. No. 2008-2-55, § 2, 3-24-2008)		
	a. Ord. No. 2006-168-189, § 2, 7-10-06) (Ord. No. 2008-2-55, § 2, 3-24-2008),	In B-1, B-2, B-3 and UB districts where such units are contained within the same building as a nondwelling use (Ord. No. 2006-168-189, § 2, 7-10-06; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No 2017-019, 2-27-2017), Ord. No 2017-019, 2-27-2017)	None for 1 to 3 units; otherwise, 1 per 4 dwelling units. (Ord. No. 2008-2-55, § 2, 3-24-2008)
	b. ; Ord. No 2017-019, 2-27-2017)	In B-4 and B-5 districts	None for 1 to 16 dwelling units; 1 per 4 dwelling units over 16 units
	c. (Ord. No 2017-019, 2-27-2017)	In B-4 district where such units are contained within the same building as a non-dwelling use	NONE
	d. (Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No 2017-019, 2-27-2017)	In UB-2 district where such units are contained within the same building as a nondwelling use. (Ord. No. 2008-2-55, § 2, 3-24-2008	1 per 2 dwelling units (Ord. No. 2008-2-55, § 2, 3-24-2008)
	e. (Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No 2017-019, 2-27-2017)	In B-6, B-7, RF-1 and RF-2 districts (Ord. No. 2006-197-217, § 4, 7-24-06) (Ord. No. 2008-2-55, § 2, 3-24-2008) (Ord. No. 2008-36-57, § 3, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010)	1 per dwelling unit (see section 30-446.3) (Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010)
	f. (Ord. No. 2017-150, §5, 9-25-2017)	In TOD-1 district	None for 1 to 16 dwelling units; 1 per 2 dwelling units over 16 units
(5)	Dwelling, multifamily, where at least 90 percent of units are occupied by persons 60 years or more of age		1 per 2 dwelling units
(5.1)	Live/work unit (Ord. No. 2006-197-217, § 4, 7-24-06)		1
(6)	Mobile home		Average of 1.5 per unit
(7)	Tourist home, hotel or motel:		
	a.(Ord. No. 2006-168-189, § 2, 7-10-06; (Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2017-019, 2-27-2017)	RO-3, HO, B-6, B-7, RF-1, RF-2, CM and DCC districts	1 per guestroom up to 100 rooms, plus 1 per every 2 guestrooms over 100 rooms
	b. (Ord. No 2017-019, 2-27-2017)	B-4, B-5	1 per every 4 guestrooms
	c.	All other districts	1 per guestroom

(8)	Lodginghouse		1 per 2 occupants
(9)	Fraternity or sorority house		1 per 4 beds
(10)	Nursing home, adult care residence, group home, shelter		1 per 4 beds
(11)	Hospital		1 per 3 beds, plus 1 per 3 employees and staff
(12)	Church or other place of worship		1 per 8 seats in main auditorium
(13)	Day nursery		1 per 2 employees
(14)	School: kindergarten through junior high (public or private)		1 per 10 seats in main auditorium or 1 per classroom, whichever is greater
(15)	School: high school, college or vocational (public or private)		1 per 8 seats in main auditorium or 3 per classroom, whichever is greater
(16)	Lodge, club or meeting facility		1 per 100 sq. ft. floor area in meeting or club rooms
(17)	Art gallery, library or museum		10, plus one per 300 sq. ft. of floor area in excess of 2,000 sq. ft.
(18)	Theater, auditorium, sports arena or stadium		1 per 5 seating capacity
(19)	Private park, recreational area or country club		1 per 5 members
(20)	Public golf course or miniature golf course		5 per hole
(21)	Golf driving range		2 per tee
(22)	Bowling alley		5 per lane
(23)	Office: general; medical or dental office or clinic; social service delivery use; animal hospital		1 per 300 sq. ft. of floor area for the first 1,500 sq. ft., plus 1 per 400 sq. ft. in excess thereof
(24)	Funeral home		1 per 4 seating capacity of chapel and funeral service rooms, plus 1 per 2 employees
(25)	Service station, auto repair		2 per service bay or repair stall plus spaces to accommodate all vehicles used in connection therewith
(26)	Restaurant, tearoom or similar food and beverage establishment		1 per 100 sq. ft. of floor area, plus 5 stacking spaces per restaurant drive-in window
(26.1)	Nightclub (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)		1 per 70 sq. ft. of floor area
(27)	Grocery store, convenience store, specialty food or beverage store, take-out restaurant:		
	(a)	Grocery or convenience store occupying not more than 5,000 sq. ft. of floor area; take-out restaurant with no patron seating	1 per 150 sq. ft. floor area
	(b)	Grocery or convenience store occupying more than 5,000 sq. ft. of floor area; specialty food or beverage store	1 per 300 sq. ft. floor area **(Ord. No. 2008-36-57, § 3, 3-24-2008)**
(28)	Retail or personal service establishment, financial service, retail bakery (unless otherwise specified herein)		1 per 300 sq. ft. floor area

(29)	Bank or savings and loan office, including drive-in	1 per 300 sq. ft. for the first 1,500 sq. ft. of floor area, plus 1 per 400 sq. ft. in excess thereof, plus 5 stacking spaces per drive-in teller
(30)	Furniture, appliance or hardware store; auto salesroom; tire repair and sales; clothing, shoe or other repair shop; machinery and equipment sales and service	1 per 500 sq. ft. of floor area
(31)	Wholesale establishments	1 per 800 sq. ft. of floor area, plus spaces to accommodate all vehicles used in connection therewith
(32)	Manufacturing, processing, fabricating, testing, research, bottling, warehousing and distribution establishments	1 per 2 employees, plus spaces to accommodate all vehicles used in connection therewith
(33)	Shopping centers	1 per 300 sq. ft. of gross leasable area, provided that for shopping centers with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is 1 per 100 sq. ft. of floor area or greater, required parking shall be as specified in section 30-710.3(e) (Ord. No. 2008-36-57, § 3, 3-24-2008)
(34)	Philanthropic, charitable or eleemosynary institution	Sum of spaces required for each component of the use, per the most similar use listed in this section
(35)	Flea market	1 per 300 sq. ft. of area devoted to sales and display
(36)	Marinas	1 per 3 boat slips, provided that parking for uses other than a marina shall be as specified in section 30-710.3(e)

(b) The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed as determined by the zoning administrator.

(Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2006-197-217, § 4, 7-24-2006; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2008-36-57, § 3, 3-24-2008; Ord. No. 2017-019, 2-27-2017)

Sec. 30-710.2. Off-street parking not required in certain districts.

In CM, DCC, B-4, B-5 and TOD-1 zoning districts, off-street parking spaces shall not be required for uses other than dwelling uses, hotels and motels.

(Code 1993, § 32-710.2; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2017-150, §5, 9-25-2017)

Sec. 30-710.2:1. Special off-street parking requirements in RP district.

The following pertaining to off-street parking shall be applicable in the RP research park district. Except as specified in this section, all other sections of this article shall be applicable in such district:

(1) *Number of spaces.* Not less than one off-street parking space shall be provided per 700 square feet of floor area devoted to research, development and laboratory facilities; related accessory uses; and retail, personal service, restaurant including outdoor dining areas, and similar uses located in the same building as other permitted uses.

(2) *Location of spaces.* Off-street parking spaces required for any use may be provided on the site of the use or off the premises on property zoned to permit such parking, provided that the parking area or lot within which such spaces are provided shall be located within a 750-foot radius of the property occupied by the use they are intended to serve. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(3) *Spaces reserved for employees.* Notwithstanding the definition of the term “parking space” in section 30-1220, not more than 25 percent of the minimum number of off-street parking spaces required for a use may be arranged in such manner that access to one such space is provided by passage through another parking space, when such spaces are assigned to specific individuals.

Sec. 30-710.2:2. Off-street parking not required on certain lots.

Off-street parking shall not be required for a single-family attached dwelling, a single-family detached dwelling, or a two-family detached dwelling on any lot of record existing on June 12, 1995, when such lot is 35 feet or less in width and does not abut an alley, provided the zoning administrator is satisfied that the width of such lot cannot be increased by the property owner in accordance with applicable provisions of this chapter by utilization of adjoining land under the same property owner’s ownership or control. In addition, off-street parking shall not be required for a single-family attached dwelling, a single-family detached dwelling, or a two-family detached dwelling constructed after the effective date of the ordinance adopting this sentence on any lot for which the City, based on engineering or safety concerns, does not permit any vehicular access to the right-of-way from any part of the lot.

(Ord. No. 2004-48-49, § 1, 3-22-2004; Ord. No. 2015-151-164, § 1, 9-14-2015)

Sec. 30-710.2:3. Special off-street parking requirements in the UB, UB-2, B-1, B-2, B-3, B-6, B-7, RF-1 and RF-2 districts.

(a) *Shared parking.* In the UB, UB-2, B-1, B-2, B-3, B-6, B-7, RF-1 and RF-2 districts, off-street parking spaces required for dwelling units may be supplied by off-street parking spaces provided for nondwelling uses, provided that all of the following conditions are met:

(Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2015-151-164, § 1, 9-14-2015)

(1) The nondwelling use is not routinely open, used or operated after 6:00 P.M. or before 8:00 A.M. on any day.

(2) The total number of off-street parking spaces provided for dwelling units, including spaces shared with nondwelling uses and spaces provided exclusively for dwelling units, shall not be less than the number of spaces required for such dwelling units by the provision of this chapter. (Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2015-151-164, § 1, 9-14-2015)

(3) Off-street parking spaces located off the premises and intended to contribute to the off-street parking requirements of this section for dwelling units shall be subject to the requirements of section 30-710.4, subsections (1), (3), (4) and (5), except where such requirements are modified by provisions applicable within a parking overlay district.

(b) *Reduced parking requirement for uses located in existing buildings.*

(1) In the UB-2 district, the off-street parking requirements established by section 30-710.1 shall be reduced by 50 percent for nondwelling uses located within buildings existing on July 10, 2006, beyond the limitation set forth in subsection (c) of this section. (Ord. No. 2015-151-164, § 1, 9-14-2015; Ord. No. 2017-150, §5, 9-25-2017)

(2) In the B-6 district, the off-street parking requirements established by section 30-710.1 shall be reduced by 50 percent for uses located within buildings existing on July 10, 2006, beyond the limitation set forth in subsection (c) of this section. (Ord. No. 2017-150, §5, 9-25-2017)

(3) In the B-7 district, the off-street parking requirements established by section 30-710.1 shall be reduced by 50 percent for uses located within buildings existing on July 1, 2017 beyond the limitation set forth in subsection (c) of this section. (Ord. No. 2017-150, §5, 9-25-2017)

(c) *Limitation on parking requirements.* In the UB-2, B-6, B-7, RF-1 and RF-2 districts, in no case where the number of required off-street parking spaces is determined based on floor area devoted to a use shall the off-street parking requirement for such use exceed one space per 300 square feet of floor area. (Ord. No. 2010-19-31, § 3, 2-22-2010)

(d) *Credit for on-street parking in UB, UB-2, B-1, B-2, B-3, B-6, B-7, M-1, M-2, RF-1 and RF-2 districts.* For purposes of calculating the number of off-street parking spaces provided for a use located in an UB, UB-2, B-1, B-2, B-3, B-6, B-7, M-1, M-2, RF-1 or RF-2 district, on-street parking spaces provided within portions of the public right-of-way abutting the street frontage of the property shall be credited as though they were off-street parking spaces located on the premises. In a case where any portion of such on-street parking spaces are eliminated by government action subsequent to city approval of plans for development of the property, the off-street parking requirement applicable to the use shall be reduced by the number of on-street parking spaces eliminated. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(Ord. No. 2006-168-189, § 1, 7-10-2006; Ord. No. 2006-329-2007-11, § 1, 1-8-2007; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2008-36-57, § 3, 3-24-2008; Ord. No. 2009-37-50, § 1, 4-13-2009; Ord. No. 2015-151-164, § 1, 9-14-2015)

Sec. 30-710.2:4. Special off-street parking requirements in the R-63 district.

In the R-63 district, off-street parking shall not be required for principal uses that are permitted only on corner lots, except as provided in the R-63 district regulations for such uses as may be permitted subject to approval of a conditional use permit. (Ord. No. 2006-197-217, § 3, 7-24-2006)

Sec. 30-710.2:5. Special off-street parking requirements in the R-8 district.

In the R-8 district, off-street parking shall not be required for nondwelling uses that are permitted by conditional use permit occupying the ground floor of existing buildings, except as may be provided as a condition of approval of a conditional use permit. Dwelling units occupying space above the ground floor of such buildings shall be provided with not less than one off-street parking space per unit. (Code 2004, § 30-710.2:5; Ord. No. 2010-18-30, § 4, 2-22-2010)

Sec. 30-710.3. Method of determining number of parking spaces.

(a) For the purpose of determining the required number of parking spaces, floor area shall include the gross area of the floor space devoted to the particular use, including space devoted to incidental purposes related thereto, and shall be measured along interior faces of enclosing walls or partitions with no deduction for intervening walls or partitions. For a restaurant use, floor area shall also include the gross area of space outside of an enclosed building when such space is designed, arranged or intended for the service or accommodation of patrons of the restaurant.
[NOTE: Amendment adopted on November 22, 1982]

(b) For the purpose of determining the required number of parking spaces, the number of employees shall be construed to be the maximum number of persons employed on any working shift.

(c) When computation of required parking spaces based on floor area, units, employees or seating capacity results in a fractional number, the number of spaces required shall be the nearest whole number.

(d) When any change is made in a building or use thereof so that the number of parking spaces required by sections 30-710.1 and 30-900.3 is increased, not less than the number of spaces required for that increase shall be provided in addition to the spaces provided prior to such change.

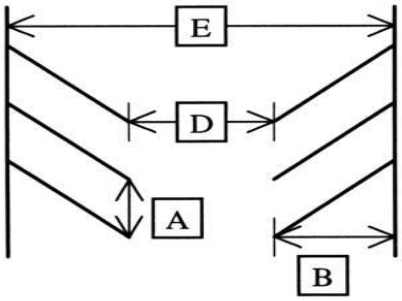
(e) When a building or premises is devoted to more than one use, the total number of spaces required shall be the sum of the spaces required for each use, provided that in the R-73, RO-2 and RO-3 districts, off-street parking shall not be required for incidental retail, personal service or other uses accessory to permitted principal uses.

(f) In B-1, B-2, and B-3 business districts, the minimum number of off-street parking spaces required for a nondwelling use existing on August 12, 1985, for which use a certificate of occupancy or building permit has been issued by the city and where such use has been continuous since the issuance thereof, shall be as specified by such certificate of occupancy or building permit, unless the zoning administrator determines that a greater number of spaces exist for such use, in which case such greater number of spaces shall be required. When the number of off-street parking spaces is not specified on a certificate of occupancy or building permit, the minimum required number of spaces shall be the number of such spaces that the zoning administrator determines existed on August 12, 1985. Any change in a building or use thereof after August 12, 1985, with regard to off-street parking, shall require conformance with the applicable sections of this chapter.

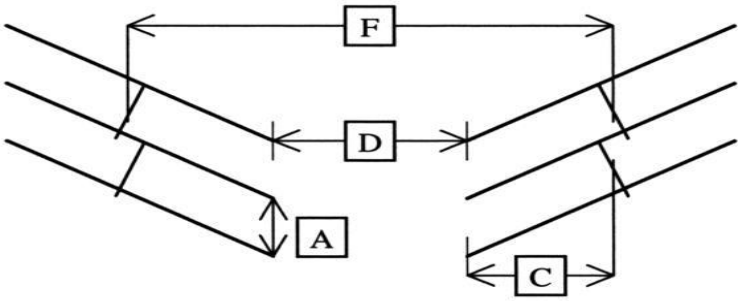
Sec. 30-710.3:1. Dimensions of parking spaces.

(a) The minimum size of parking spaces and access aisles, in feet, shall be as follows:

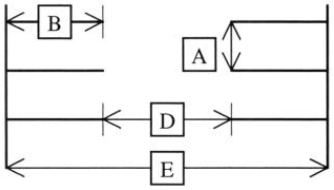
Category	Stall Width	(A) Stall Width Parallel to Aisle	(B) Stall Depth to Wall	(C) Stall Depth to Interlock	(D) Aisle Width	(E) Wall to Wall	(F) Interlock to Interlock
Full Size Stalls:							
	45 degrees						
	8.0	11.3	16.6	14.5	13.0	46.5	42.0
	8.5	12.0	16.6	14.5	12.0	45.5	41.0
	60 degrees						
	8.0	9.2	18.2	16.7	17.0	53.5	50.5
	8.5	9.8	18.2	16.7	16.0	52.5	49.5
	75 degrees						
	8.0	8.3	18.5	17.7	21.0	58.0	56.5
	8.5	8.8	18.5	17.7	20.0	57.0	55.5
	90 degrees						
	8.0	8.0	17.5	17.5	25.0	60.0	60.0
	8.5	8.5	17.5	17.5	23.0	58.0	58.0
Compact Stalls:	45 degrees						
	7.5	10.6	14.5	12.5	12.0	41.0	37.0
	8.0	11.3	14.5	12.5	11.0	40.0	36.0
	60 degrees						
	7.5	8.7	15.8	14.4	15.0	46.5	44.0
	8.0	9.2	15.8	14.4	14.0	45.5	43.0
	75 degrees						
	7.5	7.8	16.0	15.2	18.0	50.0	48.5
	8.0	8.3	16.0	15.2	17.0	49.0	47.5
	90 degrees						
	7.5	7.5	15.0	15.0	21.0	51.0	51.0
	8.0	8.0	15.0	15.0	20.0	50.0	50.0



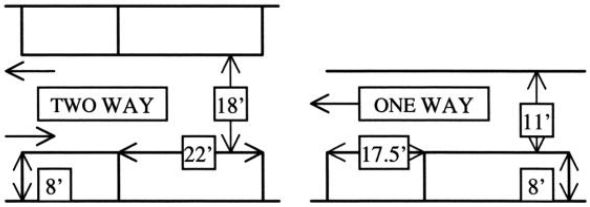
Angled Parking – Wall to Wall



Angled Parking – Interlock to Interlock



90 Degree Parking – Wall to Wall



0 Degree - Parallel Parking

The minimum aisle width for two-way traffic shall be 18 feet. Captive stalls for parallel parking shall be 22 feet in length. End stalls for parallel parking shall be 17 1/2 feet in length. The zoning administrator may interpolate dimensions for angles not listed above.

(b) Parking areas with five or more spaces may provide a maximum of 20 percent of spaces at compact dimensions, provided that such spaces shall be clearly marked as compact spaces.

(c) A further reduction of two feet in aisle width for full-size stalls shall be permitted in RO-3, HO, B-4, B-5, B-6, B-7, TOD-1, CM, DCC, and RP districts. (Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2017-150, §5, 9-25-2017)

(d) Up to 2 1/2 feet of the required parking stall depth specified in subsection (a) of this section may be provided as vehicle overhang area and need not be paved, provided that curbs or wheel stops shall be installed in such manner that the vehicle overhang area is clear of any obstruction to vehicles utilizing the parking space and that the vehicle overhang area shall not encroach into any other parking space, access aisle, public right-of-way, abutting property, pedestrian walkway or any required yard, perimeter buffer or internal landscaped area.

(e) All dead-end aisles providing access to parking spaces shall be provided with backup space of not less than five feet in depth at the end of such aisles.

(Code 1993, § 32-710.3:1; Ord. No. 2006-168-189, § 2, 7-10-2006)

Sec. 30-710.3:2. Dimensions of stacking spaces.

The minimum size of stacking spaces required by the provisions of this chapter shall be eight feet in width and 18 feet in length.

(Ord. No. 2004-180-167, § 4, 6-28-2004)

Sec. 30-710.4. Required spaces located off the premises.

Off-street parking spaces required for any use may be provided off the premises of the use for which they are required, provided that:

(1) In the B-4, B-5, B-7, and TOD-1 districts, at least some portion of the parking area, parking lot, parking deck or parking garage within which such spaces are provided shall be located within a 750-foot radius of a principal entrance to the building occupied by the use for which they are required. (Ord. No. 2017-150, §5, 9-25-2017)

(2) In all other districts, at least some portion of the parking area, parking lot, parking deck or parking garage within which such spaces are provided shall be located within a 500-foot radius of a principal entrance to the building occupied by the use for which they are required, except that in an RP district, parking spaces located off the premises shall be subject to the provisions set forth in section 30-710.2:1. (Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2015-151-164, § 1, 9-14-2015; Ord. No. 2017-150, §5, 9-25-2017)

(3) In all cases, property used for such parking spaces shall be located in a district where parking areas serving the proposed use are permitted except that such parking spaces may be located within a parking deck or a parking garage that is not located in a district where parking areas serving the proposed use are permitted if such parking deck or parking garage was constructed before the commencement of the proposed use. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(4) Subject to subsection (1) of this section, any portion of the parking spaces required for any use may be supplied by parking spaces provided for any other use which is not routinely open, used or operated during the same hours of the day or night. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(5) Where parking spaces required by this article are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than one year, and the form and terms of tenure shall be approved by the city attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the zoning administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of 30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this article, such spaces shall be provided elsewhere in compliance with this article. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(6) Off-premises parking areas and lots containing five or more spaces shall be improved as specified in division 2.1 of this article. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(7) Off-premises parking spaces, areas or lots shall be provided with identification indicating the use for which they are required and, if applicable, the hours of their availability, provided that such identification shall not be required in the case of off-premises parking spaces, areas or lots that are operated by a governmental agency. In lieu of such identification, the owner of the property on which the parking is located shall provide to the zoning administrator an affidavit indicating the location of the property, the number of parking spaces on the property, the number of spaces currently leased or otherwise allocated to serve a use, the use for which such spaces are leased or otherwise allocated, and to whom parking spaces are leased. The zoning administrator shall be notified in writing by the owner of the property on which the parking spaces are located prior to any change in the information contained in such affidavit. In addition, the use for which the off-premises parking is provided shall contain notification, in a conspicuous manner on the premises of the use and on a website, if one exists, of the use for which the parking is required, of the availability and location of such parking spaces. (Ord. No. 2015-151-164, § 1, 9-14-2015)

(Code 1993, § 32-710.4; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2015-151-164, § 1, 9-14-2015; Ord. No. 2017-150, §5, 9-25-2017)

Sec. 30-710.5. Parking spaces located in required yards.

This section shall apply in addition to the applicable improvement requirements and landscaping standards for parking areas and parking lots contained in division 2.1 of this article. Spaces for the parking of vehicles and access aisles thereto, except spaces accessory to single-family dwellings, shall not be located within a required front yard or required street side yard on any lot in R, RO, B-1, and OS districts nor within that portion of a required front yard on a lot in any other district and situated within 50 feet of a lot in an R or RO district.

Sec. 30-710.7. Parking areas located in R districts adjacent to business, commercial or industrial districts.

When authorized by the board of zoning appeals pursuant to section 17.20(d)(3) of the City Charter, land located in an R district contiguous to an RO, HO, B, UB, UB-2, CM, OS or M district or separated therefrom by an alley may be used for the parking of vehicles of customers of business, commercial or industrial establishments permitted in such districts, provided that such parking shall not extend a distance of more than 170 feet from the boundary of the RO, HO, B, UB, UB-2, CM, OS or M district.

(Code 1993, § 32-710.7; Ord. No. 2006-168-189, § 2, 7-10-2006)

DIVISION 2.1. OFF-STREET PARKING IMPROVEMENT REQUIREMENTS AND LANDSCAPING STANDARDS

Sec. 30-710.10. Intent.

The intent of this division is to facilitate the creation of a convenient, attractive and harmonious community; to conserve and protect natural resources, including air and water quality; to protect and enhance property values; and to promote public safety by providing internal landscaping, perimeter buffer, tree coverage and other improvement standards for the development and maintenance of parking areas and parking lots in the city.

Sec. 30-710.11. Applicability of division.

(a) *Newly constructed parking areas and parking lots.* The requirements and standards set forth in this division shall be applicable to all principal and accessory parking areas and parking lots newly constructed or established after the effective date of the ordinance from which this division is derived. For purposes of this section, the paving of a previously unpaved parking area or parking lot or the removal and subsequent reconstruction of improvements in an existing parking area or parking lot shall be construed as a newly constructed parking area or parking lot.

(b) *Existing parking areas and parking lots.* The requirements and standards set forth in this division shall be applicable to principal and accessory parking areas and parking lots existing at the effective date of the ordinance from which this division is derived in accordance with the requirements of article VIII of this chapter pertaining to nonconforming uses and features.

Sec. 30-710.12. Improvement of parking areas and parking lots.

Parking areas and parking lots containing five or more parking spaces shall be improved and maintained in accordance with the following:

(1) *Screening along interior lot lines in certain cases.* Whenever a parking area or parking lot abuts or is situated within 50 feet of property in an R, RO, HO or I district, unless separated therefrom by an alley providing access to such parking area or parking lot, the parking area or parking lot shall be effectively screened from view from such property by evergreen vegetative material not less than 3 1/2 feet in height at the time of installation or by an opaque structural fence or wall not less than four feet in height, provided that such parking area or parking lot need not be screened from an adjacent parking area or parking lot containing five or more parking spaces or from an adjacent loading area. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) *Paving.* Parking areas and parking lots and all entrances thereto and exits therefrom shall be designed and improved using accepted engineering practices for usability and longevity with asphalt, concrete, unit pavers or similar material approved by the administrator of the erosion and sediment control ordinance in chapter 14, article III, and shall be designed so as not to create or increase adverse effects on adjoining properties as a result of surface drainage.

(3) *Pavement markings.* Except where the parking of vehicles is by attendant only, each required parking space shall be delineated.

(4) *Maneuvering space.* No parking area or parking lot shall be designed, operated or maintained so as to cause any street or sidewalk to be obstructed by vehicles entering, leaving or maneuvering within such parking area or parking lot. Whenever necessary to prevent such obstruction, space for the maneuvering of vehicles shall be provided within the parking area or parking lot.

(5) *Lighting.* Parking areas and parking lots shall be provided with lighting during the non-daylight hours when such are in use. Lighting shall be designed and installed so as to concentrate illumination within the parking area or parking lot and to prevent glare on adjoining properties and streets. The height of lighting structures shall not exceed the height limit of the district in which they are located, and in no case shall such height exceed 35 feet. When lighting is required by this subsection, the intensity of illumination within the area devoted to parking shall be not less than 0.5 horizontal footcandle at any location, provided that in no case shall the intensity of illumination exceed 0.5 horizontal footcandle at any property line abutting a lot in an R or RO district. The lighting maximum-to-minimum ratio within the parking area or parking lot shall not exceed 15:1. Parking area and parking lot lighting fixtures shall be constructed or shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane of the fixture. (Ord. No. 2011-33-53, § 1, 3-28-2011)

Sec. 30-710.13. Perimeter buffers: landscaping requirements.

Except as provided in subsection (3) of this section, parking areas and parking lots containing five or more parking spaces shall be improved and maintained with landscaping in accordance with the requirements of this section as follows:

(1) *Treatment of required landscaped buffers.* Treatment of required landscaped buffers shall be in accordance with the following:

a. Required landscaped buffers shall be provided with vegetative ground cover, trees, shrubs, other plant material, or any combination thereof, except where more specific requirements are set forth in subsection (2) of this section. Mulch ground cover may be provided as a border or supplement to other vegetation in a required landscaped buffer. Pedestrian walkways incidental to landscaped buffers may be incorporated within such buffers when the other requirements of this subsection (1) a. are met.

b. All required landscaped buffers shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops or other features which separate the landscaped buffer from areas improved for vehicle parking or circulation.

(2) *Landscaped buffers along streets.* Landscaped buffers as set forth in subsections (2)a. through (2)d. of this section shall be installed and maintained between all areas devoted to parking and all adjacent street lines, provided that approved driveways enabling access to abutting streets may extend through such buffers.

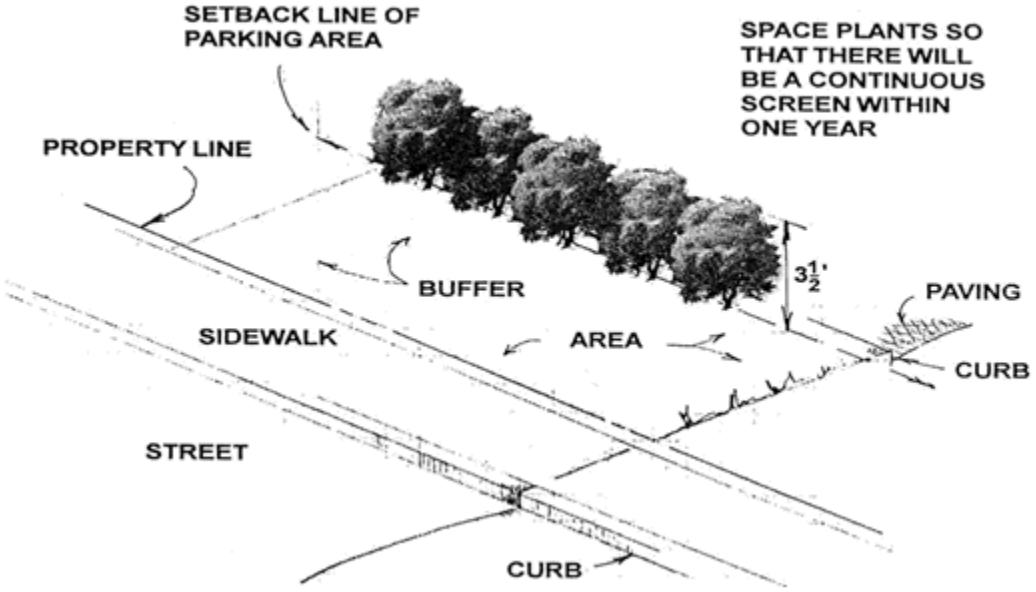
a. *Zoning districts and permitted buffer alternatives.* The following table specifies the buffer and buffer alternatives that satisfy the landscaped buffer requirement in each zoning district. Where more than one buffer alternative is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer requirement in that district:

Zoning Districts	Buffer Alternatives
R, RO, HO, I	A, B, C, D
UB	F, G, H
B-1	E
UB-2, B-2, B-3	F, G, H
B-4, B-5, B-6, B-7	F, G, H, I
RF-1, RF-2	F, G, H
TOD-1	H, I
CM, DCC	F, G, H
OS	F
RP	F, G, H
M-1, M-2	F, G, H

(Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2015-151-164, § 1, 9-14-2015; Ord. No. 2017-150, §6, 9-25-2017))

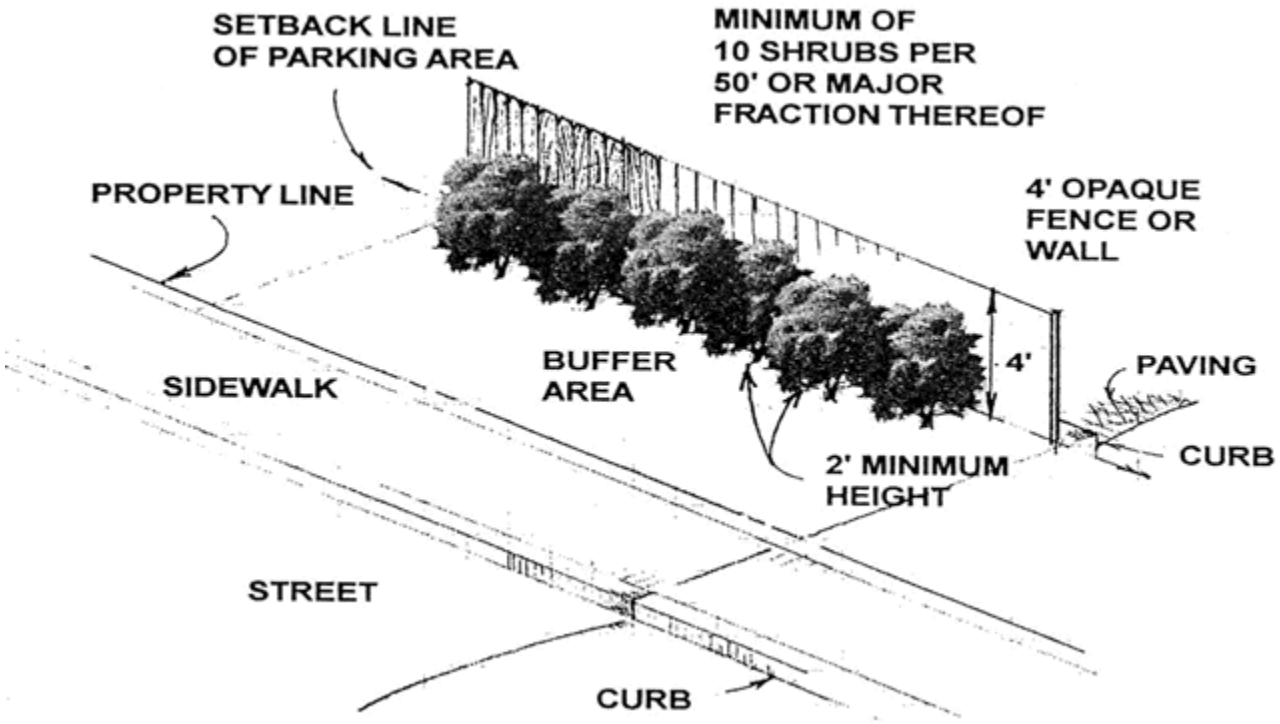
b. *Description of buffer alternatives.* The depth of and improvements required within each buffer alternative are as follows. In all cases, buffer alternatives are minimum requirements, and greater buffer depth, additional landscaping or additional fence or wall improvements may be provided:

1. Buffer “A,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an evergreen vegetative screen not less than 3½ feet in height at the time of installation placed along the setback line of the parking area. Evergreen vegetative material intended to satisfy this requirement shall be planted at such intervals that will result in a continuous visual screen within one year of planting.



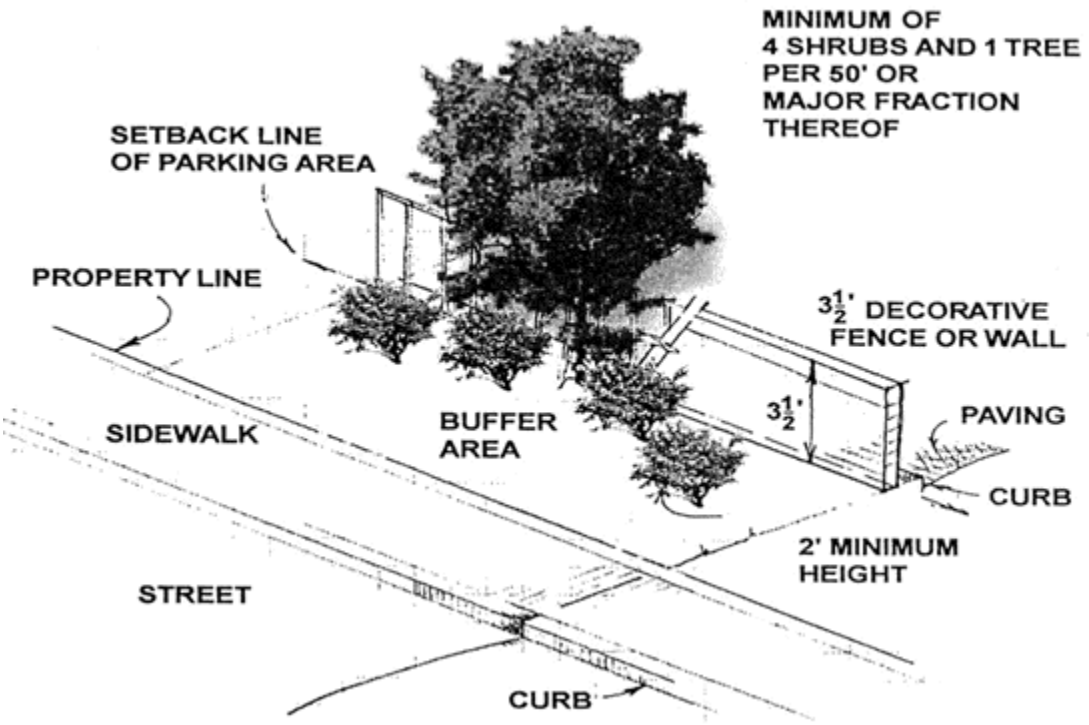
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

2. Buffer “B,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an opaque structural fence or wall not less than four feet in height placed along the setback line of the parking area and shall include shrubs located adjacent to such fence at a rate of not less than ten for each 50 linear feet or major fraction thereof of buffer along each street frontage.



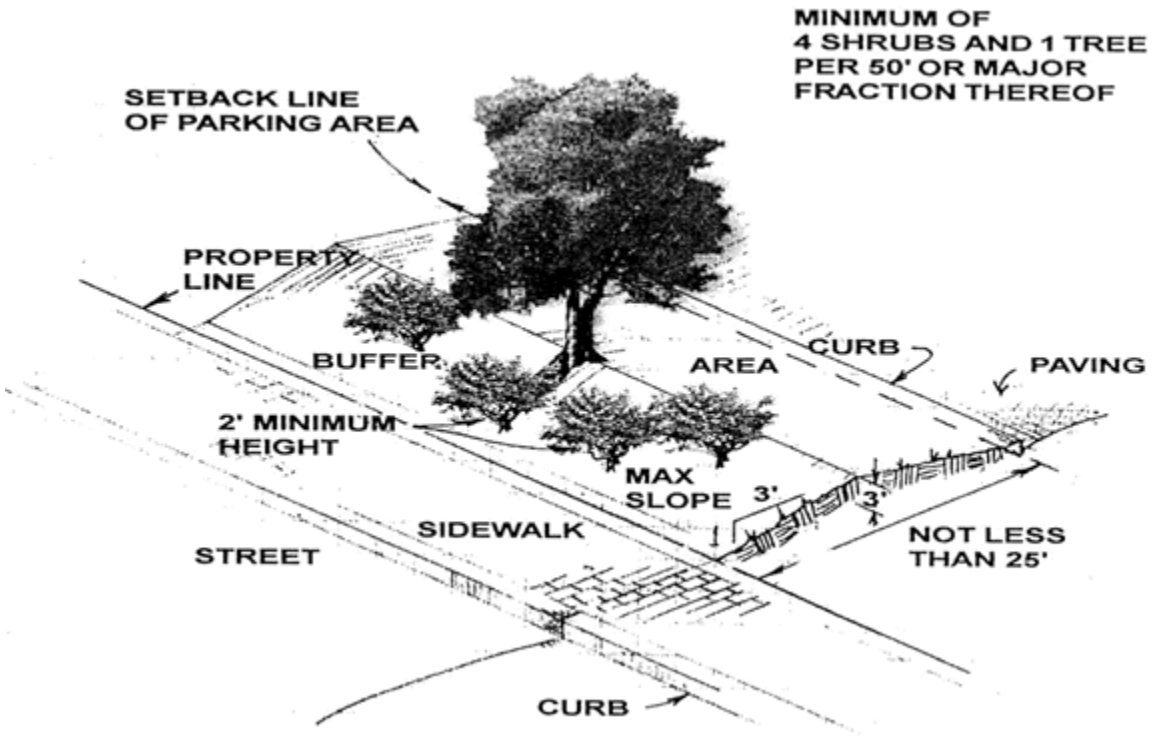
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

3. Buffer “C,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include a decorative fence or wall not less than 3½ feet in height placed along the setback line of the parking area and shall include trees and shrubs located adjacent to such fence at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



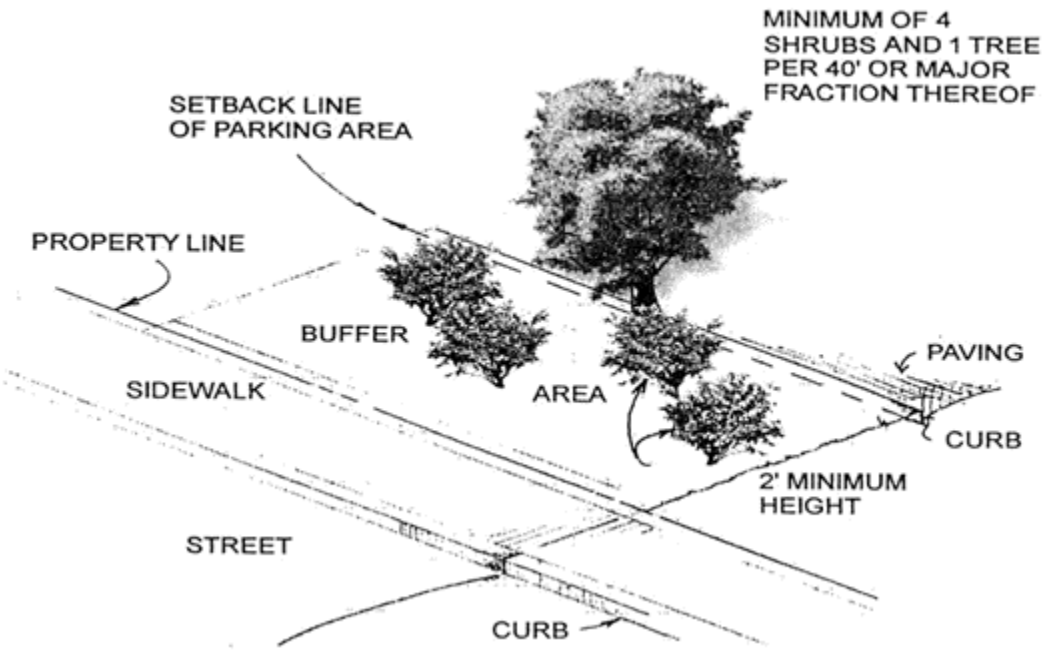
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

4. Buffer “D,” as shown below, shall have a depth of not less than 25 feet and shall consist of an earthen berm not less than three feet in height with slopes not greater than three feet horizontal for each one foot vertical and shall include trees and shrubs located on the top or street side of such berm at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



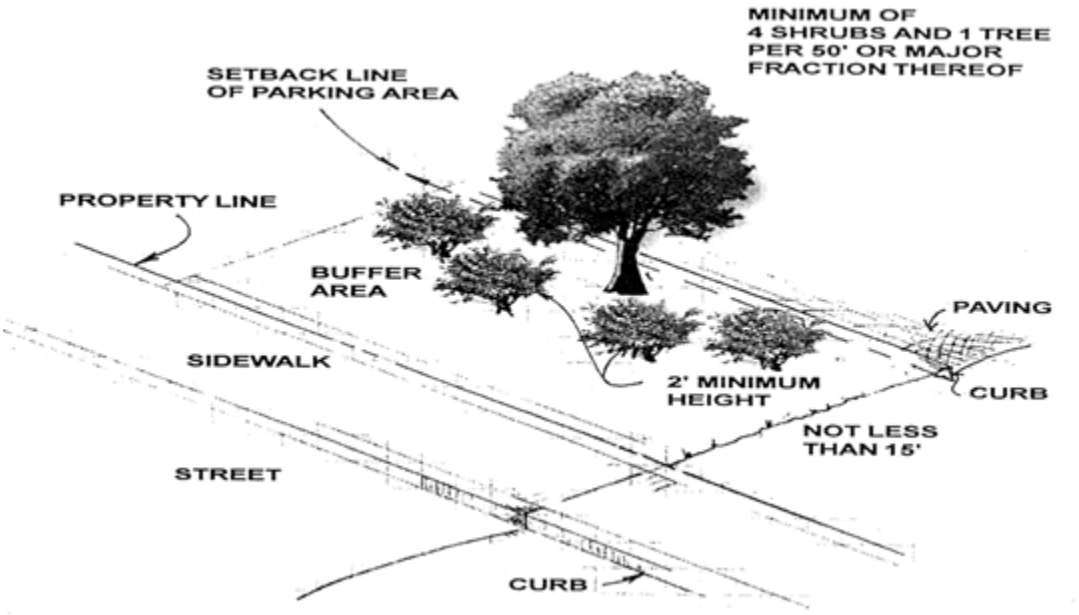
5. Buffer “E,” as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage. In any case where the applicable yard requirement along a street is five feet or less, the trees and shrubs required for buffer “E” may be substituted with the improvements specified for buffer “H,” provided that the applicable yard requirement is met.

(Ord. No. 2015-151-164, § 1, 9-14-2015)

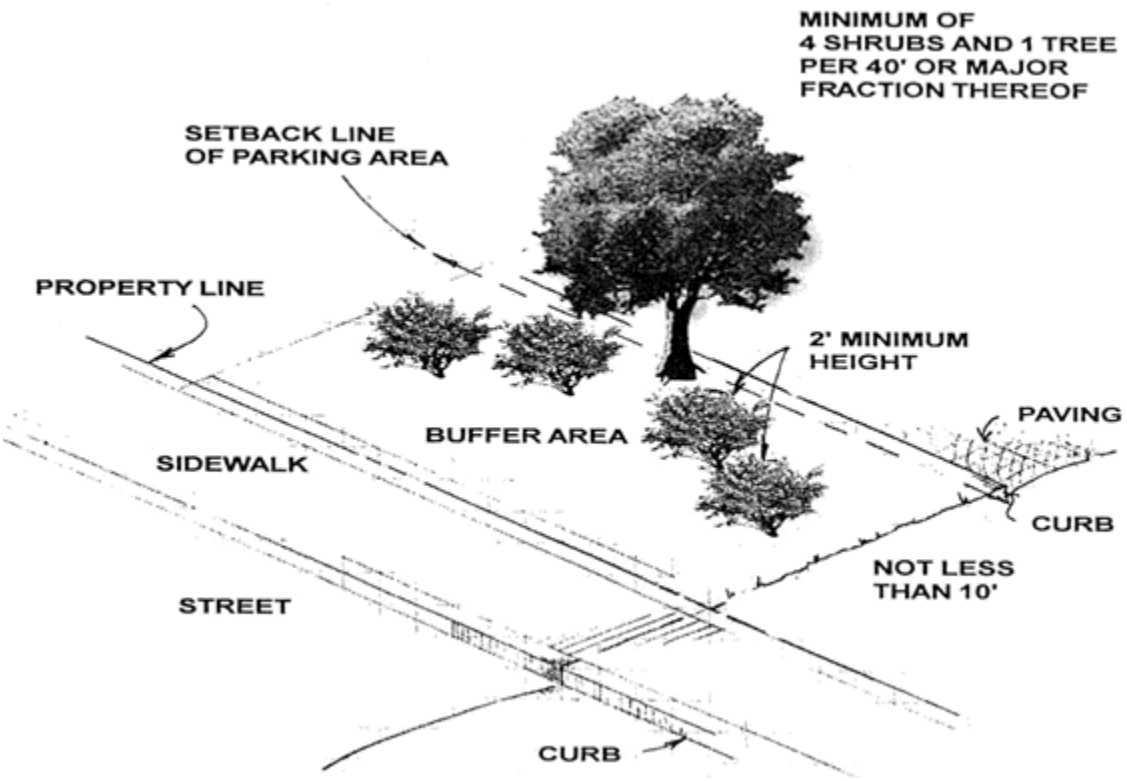


Buffer area depth dependent on yard requirement in district, but in no case less than five feet. Where yard requirement is five feet or less, trees and shrubs may be substituted as specified for buffer “H.” (Ord. No. 2015-151-164, § 1, 9-14-2015)

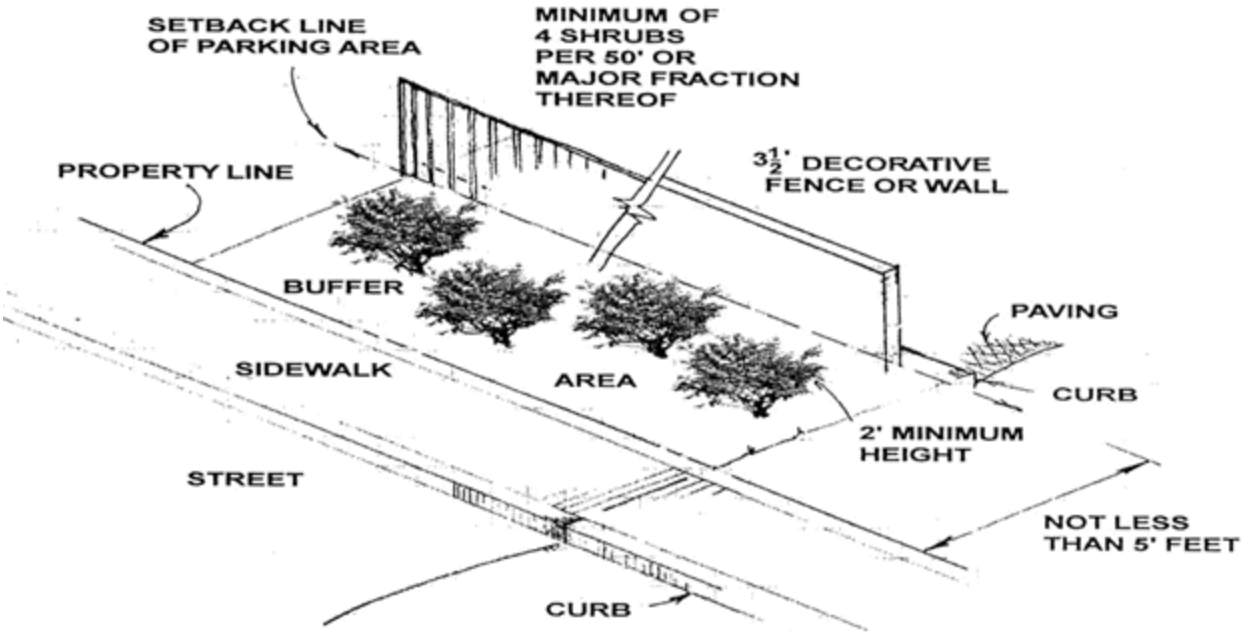
6. Buffer “F,” as shown below, shall have a depth of not less than 15 feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



7. Buffer “G,” as shown below, shall have a depth of not less than ten feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage.



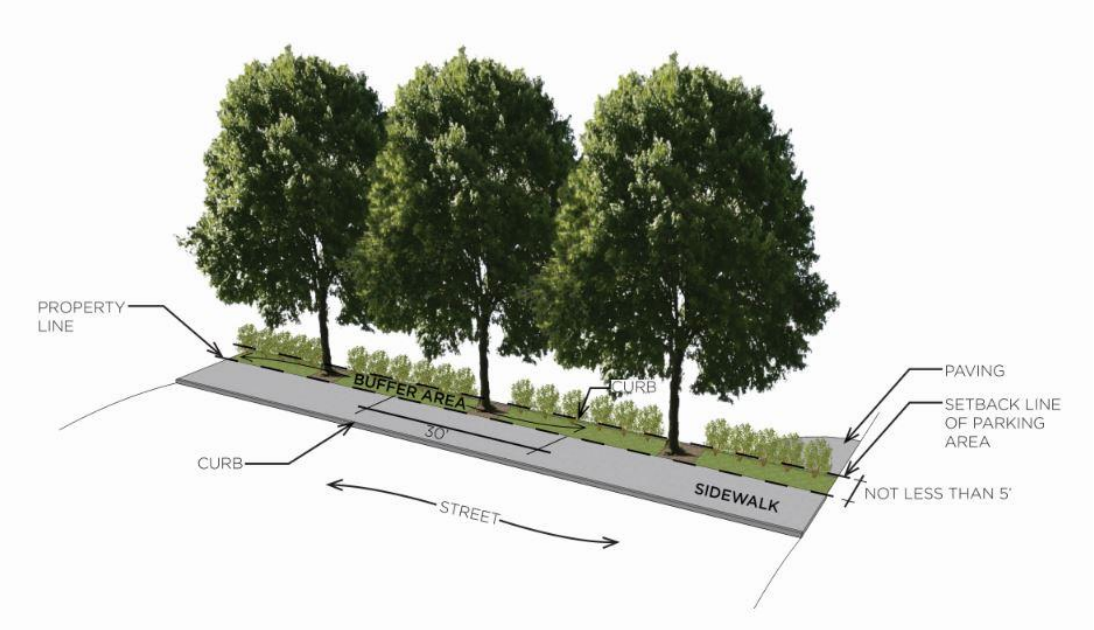
8. Buffer “H,” as shown below, shall have a depth of not less than five feet and shall include a decorative fence or wall not less than 3½ feet in height and shrubs at a rate of not less four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



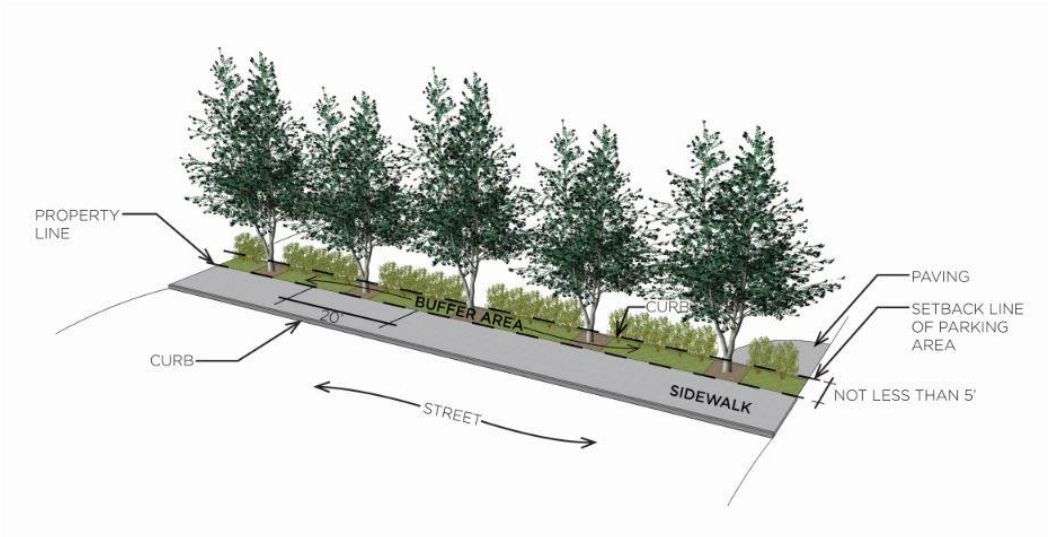
(NOTE: Buffers “I,” “J,” & “K” were deleted from Ordinance on September 15, 2015, upon adopted amendment of Ord. No. 2015-151-164, § 1. A subsequent Buffer “I” was adopted on September 25, 2017.)

9. Buffer “I,” as shown below, shall have a depth of not less than five feet and shall include either trees classified as medium or large in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission at a rate of one tree for every 30 linear feet or trees classified as compact or small trees in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission at a rate of one tree for every 20 linear feet; as well as groundcover or shrubs covering at least 50 percent of the area of the buffer along each street frontage.

Buffer I, Medium or Large Trees Illustration



Buffer I, Small or Compact Trees Illustration



(Ord. No. 2017-150, §6, 9-25-2017)

c. *Tree and shrub standards.* Standards for trees and shrubs shall be as follows:

1. Trees to be credited toward buffer requirements shall be deciduous trees having a caliper of not less than 2½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than six feet at the time of installation. Healthy existing trees to be retained within a buffer area may be credited toward buffer requirements when such trees are shown on approved plans and are adequately protected during construction.

2. Trees to be credited toward buffer requirements shall be distributed as equally as practical throughout the length of the buffer, with consideration for the species of trees, topography, location of driveways and utilities and other physical conditions.

3. Shrubs to be credited toward buffer requirements shall be evergreen shrubs not less than two feet in height at the time of installation. Shrubs may be grouped in a manner appropriate to the species and need not be distributed equally throughout the length of the buffer.

d. *Fences or walls.* Fences or walls to be credited toward buffer requirements shall comply with fence and wall design guidelines adopted by resolution of the planning commission or their equivalent as determined by the zoning administrator. In no case shall chain-link, chain-link with slats or similar fencing be considered to meet the requirements of the fence and wall design guidelines.

1. A fence or wall disapproved by the Director of Planning and Development Review shall, at the request of the applicant, be submitted to the Planning Commission for its review. The request for such review shall be made in writing to the Secretary of the Commission, who shall place the request on the Planning Commission's agenda for consideration at its first regularly scheduled meeting following the receipt of such request, provided that the request is received not less than ten days prior to such meeting.

2. After reviewing the decision of the Director of planning and development review, the Planning Commission may affirm the decision or, upon finding that the proposed fence or wall satisfies the fence and wall design guidelines, may instruct the Director of Planning and Development Review to approve the fence or wall. The Planning Commission may attach such conditions as it deems necessary to ensure conformance with the intent and purpose of the fence and wall design guidelines.

e. *Buffer I*

Trees classified as medium or large in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission shall have a caliper of not less than 2½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than six feet at the time of installation. Trees classified as small or compact in the Tree Canopy Chart dated November, 2002, adopted by the Planning Commission shall have a caliper of not less than 1½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of note less than five feet at the time of installation. Shrubs and groundcover credited towards the 50-percent coverage requirement may be evergreen or deciduous. All shrubs, groundcover, and trees may be grouped in a manner appropriate to the species with consideration for the topography, location of driveways and utilities, and other physical conditions and need not be distributed equally throughout the length of the buffer. **(Ord. No. 2017-150, §6, 9-25-2017)**

(3) *Landscaped buffers along interior lot lines.* In addition to the screening requirements set forth in section 30-710.12, parking areas and parking lots containing 30 or more parking spaces and parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels shall be provided with landscaped buffers of not less than five feet in depth installed and maintained between all areas devoted to parking and all lot lines other than street lines, provided that approved driveways connecting properties or enabling access to abutting alleys may extend through such buffers.

(Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008)

Sec. 30-710.14. Internal landscaping requirements.

Landscaped islands meeting the requirements of this section shall be provided within all parking areas and parking lots containing 30 or more parking spaces and within parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels.

(1) *Required number of landscaped islands.* Landscaped islands shall be installed at a rate of not less than the following, unless a greater number of landscaped islands are required to satisfy the provisions of subsection (2) of this section:

a. Within parking areas containing 30 or more parking spaces serving uses other than uses with drive-up facilities or facilities for dispensing motor fuels and within parking lots containing 30 or more parking spaces: one landscaped island for every 15 parking spaces, or major fraction thereof, for the first 100 parking spaces, plus one landscaped island for every additional 20 parking spaces, or major fraction thereof;

b. Within parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels: one landscaped island for every ten parking spaces, or major fraction thereof, for the first 30 parking spaces; plus one landscaped island for every additional 15 parking spaces, or major fraction thereof, for up to and including 100 parking spaces; plus one landscaped island for every additional 20 parking spaces, or major fraction thereof, in excess of 100 parking spaces.

(2) *Location of required landscaped islands.* Within parking areas and parking lots containing 100 or fewer parking spaces, landscaped islands shall be located so that no more than 15 parking spaces are situated in a continuous row, and within parking areas and parking lots containing more than 100 parking spaces, landscaped islands shall be located so that not more than 20 parking spaces are situated in a continuous row. Each end of each row of parking spaces shall be separated from adjacent access aisles and driveways by a landscaped island.

(3) *Size of required landscaped islands.* Required landscaped islands shall be not less than eight feet in width measured between the outside faces of curbs or other features that define the landscaped island if curbs are not provided, and shall be not less than the length of abutting parking spaces. In the case of landscaped islands having irregular width, the width shall be measured at each point where a tree is to be located within the island.

(4) *Improvement of required landscaped islands.*

a. Each required landscaped island shall contain not less than one deciduous tree having a caliper of not less than 2 1/2 inches at the time of installation measured six inches above the ground.

b. In addition to required trees, landscaped islands shall be provided with vegetative ground cover, shrubs, other plant material, or any combination thereof. All portions of required landscaped islands not provided with vegetative ground cover or other plant material shall be mulched.

c. Pedestrian walkways incidental to landscaped islands may be incorporated within such islands when the other requirements of this subsection are met.

d. All required landscaped islands shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops or other features which separate the landscaped island from areas improved for vehicle parking or circulation. Required landscaped islands shall not include any portion of a required perimeter buffer or any portion of a parking space.

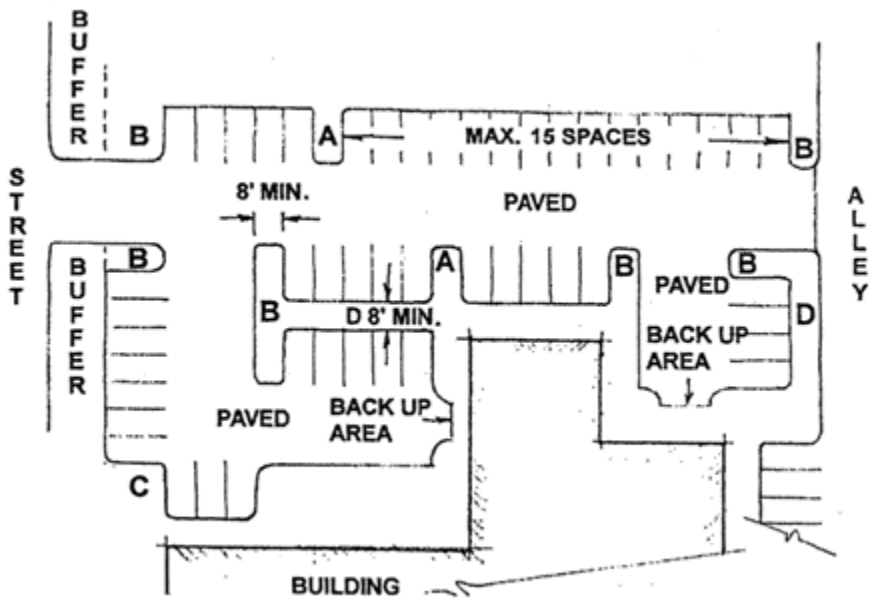
(5) *Areas qualifying as landscaped islands.* As shown below, landscaped islands shall include areas that are improved in accordance with the requirements of this section and are situated:

a. Within an otherwise continuous row of parking spaces so as to provide separation between parking spaces; or

b. At the end of a row of parking spaces so as to provide separation between parking spaces and an access aisle, driveway, street, alley or other paved area; or

c. At the end of a row of parking spaces so as to provide a corner between rows of parking spaces that are arranged at an angle to one another; or

d. Between opposing rows of parking spaces or between a row of parking spaces and an access aisle, driveway, street, alley or other paved area.



Landscape Islands

(Code 1993, § 32-710.14; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-710.15. Tree coverage requirements.

Parking areas and parking lots containing 30 or more parking spaces and parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels shall be improved and maintained with trees in accordance with the requirements of this section.

(1) *Determining projected tree coverage.* Projected tree coverage shall be determined in accordance with the City of Richmond Tree Canopy Chart which shall be adopted by resolution of the planning commission. Other tree species and larger trees not shown on the tree canopy chart may be given credit toward the tree coverage requirement when supporting data adequate to determine coverage is submitted to and accepted by the zoning administrator.

(2) *Minimum projected tree coverage.* Trees shall be planted or existing trees shall be retained so as to provide a projected tree coverage at ten years from the date of plan approval as determined by the following formulas:

a. A parking area serving a use other than a use with drive-up facilities or facilities for dispensing motor fuels, or a parking lot, shall have a projected tree coverage area equivalent to not less than 30 square feet for each parking space contained in the parking area or parking lot.

b. A parking area serving a use with drive-up facilities or facilities for dispensing motor fuels shall have a projected tree coverage area equivalent to not less than 40 square feet for each parking space contained in the parking area.

(3) *Minimum tree sizes.* Trees to be credited toward the tree coverage requirement shall meet the following standards at the time of installation.

a. Deciduous trees shall have a caliper of not less than 2 1/2 inches measured six inches above the ground.

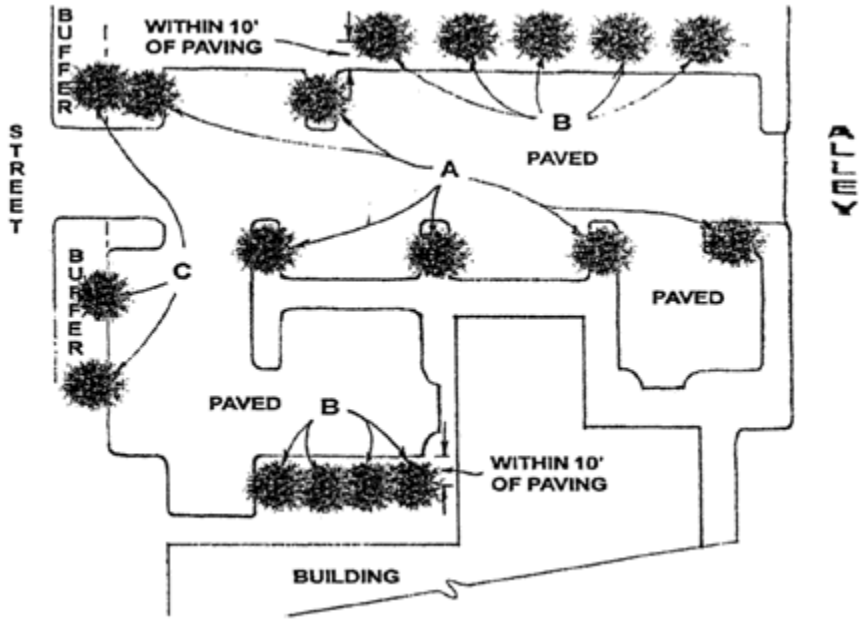
b. Evergreen trees shall be not less than six feet in height.

(4) *Location of trees to be credited.* As shown below, trees to be credited toward the tree coverage requirement may be located:

a. Within landscaped islands meeting the requirements of section 32-710.14; or

b. Between the area devoted to parking and a building on the same site, or between the area devoted to parking and a side or rear property line, provided such trees are located within ten feet of the area devoted to parking; or

c. Within that portion of a perimeter buffer lying within ten feet of the area devoted to parking, provided that trees required to meet perimeter buffer requirements shall not be credited toward the tree coverage requirement.



Location of Trees

(5) *Retention of existing trees.* Healthy existing trees to be retained may be credited toward the tree coverage requirement when such trees are located as specified in subsection (4) of this section, are shown on approved plans, and are adequately protected during construction.

(Code 1993, § 32-710.15; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-710.16. Maintenance.

The owner of the property shall be responsible for maintenance, repair and replacement of landscaping materials and other improvements required by this division in such manner that the requirements of this division continue to be met.

DIVISION 3. OFF-STREET LOADING REGULATIONS

Sec. 30-720.1. Number and length of spaces required.

The minimum number and the minimum length of off-street loading spaces required for uses occupying certain amounts of floor area and located in particular districts shall be as follows:

	Use	District	Floor Area in Square Feet	Number/Length of Spaces Required
(1)	Office, hotel, bank or institution	RO-1, RO-2, RO-3, HO, I,UB-2, B-1, B-2, B-3 or OS (Ord. No. 2008-2-55, § 2, 3-24-2008)	Less than 20,000 20,000--49,999 50,000--300,000 Each additional 100,000 or major fraction thereof	None One/35' One/35' and one/50' One/35'
(2)	Office, hotel, bank or institution	B-4, B-5, B-6, B-7, TOD-1, RF-1, RF-2, CM, DCC, RP, M-1 or M-2 (Ord. No. 2006-168-189, § 2, 7-10-06; (Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2017-150, §7, 9-25-2017)	Less than 20,000 20,000--99,999 100,000--300,000 Each additional 100,000 or major fraction thereof	None One/35' One/35' and one/50' One/35'
(3)	Retail, wholesale or service establishment	Any district	Less than 5,000 5,000--14,999 15,000--75,000 Each additional 75,000 or major fraction thereof	None One/35' One/35' and one/50' One/35'
(4)	Manufacturing, industrial or warehousing	Any district	Less than 5,000 5,000--24,999 25,000--100,000 Each additional 75,000 or major fraction thereof	None One/35' One/35' and one/50' One/35'
(5)	Research, development and laboratory	Any district	Less than 20,000 20,000--99,999 100,000--300,000 Each additional or major fraction thereof	None One/35' One/35' and one/50' One/35'

(Code 1993, § 32-720.1; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008)

Sec. 30-720.2. Method of determining number.

(a) For the purpose of determining required number and length of loading spaces, floor area shall include the gross area of the floor space devoted to the particular use, including floor space devoted to incidental purposes related thereto, and shall be measured along interior faces of enclosing walls or partitions with no deduction for intervening walls or partitions.

(b) When a building is devoted to more than one use specified in section 30-720.1, the minimum number and length of loading spaces required shall be determined as though the use occupying the greatest percentage of floor area within such building occupies the entire floor area of the building.

Sec. 30-720.3. Location and improvement of loading spaces.

(a) No loading space or maneuvering space related thereto shall be located within a required yard adjacent to a public street or within a required yard abutting property in an R or RO district.

(b) Whenever a loading space or maneuvering area related thereto abuts or is situated within 50 feet of property in an R, RO, HO or I district, the loading space or maneuvering area shall be effectively screened from view from such property by an evergreen vegetative or opaque structural fence or screen not less than six feet in height, provided that such loading space or maneuvering area need not be screened from a loading space, maneuvering area or parking area containing five or more spaces located on adjacent property

(c) Each required loading space shall be identified as such and shall be reserved for loading purposes

(d) No loading space shall occupy required off-street parking spaces or restrict access thereto

(e) All loading spaces and maneuvering spaces related thereto shall be graded, improved and maintained so as to be available for use under normal weather conditions and so as not to create adverse effects on adjoining property as a result of dust or surface drainage.

Sec. 30-720.4. Dimensions of loading spaces.

Required off-street loading spaces shall be not less than ten feet in width and shall have an unobstructed vertical clearance of not less than 14 feet. The minimum length of required off-street loading spaces shall be as set forth in section 30-720.1

Sec. 30-720.5. Required loading spaces in UB-2, B-5, B-6, B-7, TOD-1 and DCC districts.

In the UB-2, B-5, B-6, B-7 and DCC districts, spaces for the loading of vehicles shall be required only for uses occupying buildings newly constructed after the effective date of the ordinance from which this chapter is derived.

(Code 1993, § 32-720.5; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2010-19-31, § 3, 2-22-2010; Ord. No. 2017-150, §6, 9-25-2017)

DIVISION 4.

BICYCLE PARKING REGULATIONS

Sec. 30-730.1 Intent.

The intent of this division is to facilitate the creation of a convenient, attractive and harmonious community; to promote the conservation and protection of natural resources and air quality; to protect and enhance property values; and to promote public safety by providing secure bicycle parking within the city.

Sec. 30-730.2 Bicycle parking requirement.

The minimum number of bicycle parking spaces required for uses located in any district shall be as follows:

(1) For multifamily dwellings:

Number of Dwelling Units	Number of Long-Term Bicycle Parking Spaces Required	Number of Short-Term Bicycle Parking Spaces Required
Less than 10	None	None
10 to 49 dwelling units	1 space for every 3 dwelling units or major fraction thereof	None
50 or more dwelling units	1 space for every 4 dwelling units or major fraction thereof	2 spaces for 50 dwelling units; 2 additional spaces for every 50 dwelling units or major fraction thereof

(2) For parking decks and parking garages containing parking spaces serving non-residential uses:

Number of Parking Spaces	Minimum Number of Bicycle Parking Spaces Required
0 to 4	None
5 to 20	1 space
21 to 40	2 space
Over 40	1 space for every 10 parking spaces or major fraction thereof

Sec. 30-730.3. Location of required bicycle parking spaces

(a) All required bicycle parking spaces located within a parking deck or parking garage shall be located on a level no lower than the first complete parking level below the ground floor.

(b) Long-term bicycle parking spaces shall be located on the same premises as the use which they are intended to serve.

(c) Short-term bicycle parking spaces shall be located within 120 feet of the principal entrance to the building occupied by the use they serve. In cases where short-term bicycle parking spaces are not visible from the principal street frontage, signage to direct the public to the short-term bicycle parking spaces shall be installed and maintained.

(Ord. No. 2015-151-164, § 2, 9-14-2015)

ARTICLE VIII. NONCONFORMING USES AND FEATURES*

DIVISION 1. NONCONFORMING USES

Sec. 30-800. Continuation.

Nonconforming uses as defined in section 30-1220 may be continued subject to the limitations set forth in this division so long as the then-existing or more restricted use continues.

Sec. 30-800.1. Alterations to buildings or structures devoted to nonconforming uses.

No building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved or structurally altered unless such building or structure is thereafter devoted to a conforming use, provided that nothing in this division shall be construed to prohibit normal repair, maintenance and nonstructural alterations to such building or structure nor the alteration, strengthening or restoration to a safe condition as may be required by law and provided, further, that the following shall be permitted:

(1) *Hospitals and institutional uses.* A building or structure devoted to a nonconforming hospital or a nonconforming institution of a religious, educational, eleemosynary or philanthropic nature located in any district may be structurally altered so long as the amount of floor area devoted to the use is not increased.

(2) *Dwellings in business districts.* Any building containing a nonconforming single-family detached, single-family attached, two-family or multifamily dwelling in a UB, UB-2, B or OS district may be maintained, improved, enlarged, extended or structurally altered or may be reconstructed if damaged by fire, explosion, act of God or the public enemy, provided that in no case shall the amount of floor area devoted to such dwelling at the time it became nonconforming be increased more than ten percent nor shall the lot area, lot width or yard depths be reduced to less than required for the use in the R-48 district.

(3) *Uses in UB-2, B-5 or B-6 districts.* Any building devoted to a use which becomes nonconforming by reason of its inclusion in a UB-2, B-5 or B-6 district may, for purposes of accommodating such use, be maintained, improved, enlarged, extended or structurally altered or may be reconstructed if damaged by fire, explosion, act of God or the public enemy, provided that in no case shall the amount of floor area devoted to such use at the time of its inclusion in the B-5 or B-6 district be increased more than ten percent.

(4) *Alterations to accommodate a wireless communications facility, microwave relay facility, or radio and television broadcast antenna and support structure.* Any building or structure occupied by or accessory to a nonconforming use may be modified as necessary to accommodate such facilities and antennas, as set forth in section 30-692.3, provided the applicable requirements of that section are met. The equipment related to the facility or antenna may be accommodated within the interior of the building by either the reduction of the space devoted to the nonconforming use, the conversion of previously unoccupied space within the building, or a combination thereof.

(Code 1993, § 32-800.1; Ord. No. 2008-2-55, § 2, 3-24-2008)

Sec. 30-800.2. Extension or expansion.

(a) Except as specifically permitted by this division, a nonconforming use shall not be extended, expanded, enlarged or moved to occupy a different or greater area of land, buildings or structures than was occupied by such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout any parts of a building which were specifically and lawfully designed and arranged for such use at the time it became nonconforming so long as such extension does not result in any increase in the required number of off-street parking spaces under the terms of this chapter or any increase in the number of dwelling or lodging units in the building. No material change in a nonconforming use or material change in the program or operating characteristics of a nonconforming use shall take place that would increase the intensity of the use.

(b) The area of a lot on which a nonconforming use is located shall not be reduced unless authorized by the board of zoning appeals pursuant to article X of this chapter.

(c) Fences and walls shall be permitted on properties devoted to nonconforming uses in the same manner and subject to the same requirements as properties devoted to conforming uses.

Sec. 30-800.3. Changes.

(a) A nonconforming use may be changed to a use conforming to the regulations applicable in the district in which it is located or to a use, as determined by the zoning administrator, which meets all of the following criteria:

(1) The use is first permitted in the same district or a more restricted district than the district in which the nonconforming use is first permitted, and such use is not a use permitted by conditional use permit in that district.

(2) The use does not require more off-street parking than the nonconforming use as determined by application of the requirements of section 30-710.1.

(3) The use does not characteristically have a greater number of employees or a greater amount of traffic, noise, smoke or odor than the nonconforming use.

(4) The use does not otherwise constitute a greater deviation from the regulations pertaining to permitted principal or accessory uses applicable in the district in which it is located.

(5) In addition to the other criteria set forth in this section, a nonconforming use which is permitted by conditional use permit in any district established by this chapter may be changed only to a use conforming to the use regulations applicable in the district in which it is located or to a dwelling use.

(6) In addition to the other criteria set forth in this section, a nonconforming use which is listed as a permitted use only in the I district and for which an institutional master plan is required may be changed only to a use conforming to the use regulations applicable in the district in which it is located or to a dwelling use.

(b) Whenever a nonconforming use is changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use, unless such use is permitted by this chapter.

(c) When a change in a nonconforming use to a more restricted use as permitted by subsection (a) of this section or to a conforming use would result in imposition of a greater yard or open space requirement, such requirement shall not be construed to prohibit the change in use, provided that no physical change is made to the building or lot that results in any greater departure from any applicable requirement of this chapter.

(d) When a nonconforming use has been changed to an illegal use, such illegal use shall cease, and any subsequent use of the property shall conform to the regulations applicable in the district in which it is located or, if the nonconforming use has been discontinued for a period of less than two years, the illegal use may be changed to the last nonconforming use or to a use that is more restricted than such use.

Sec. 30-800.4. Discontinuance in general.

Whenever a nonconforming use of a building or structure is discontinued for a period of two years or longer, whether or not equipment or fixtures are removed, any subsequent use of the premises shall conform to the regulations applicable in the district in which it is located.

Sec. 30-800.5. Discontinuance of uses of land.

A nonconforming use of land shall be discontinued within two years from the effective date of the ordinance or amendment thereto causing it to become nonconforming.

Sec. 30-800.6. Discontinuance of certain uses in single-family districts.

(a) *Business and industrial uses.* The nonconforming use of a building in a single-family residential district for any purpose first permitted in a business or industrial district shall be discontinued within 15 years from the effective date of the ordinance or amendment thereto causing it to become nonconforming, and such building shall thereafter be devoted to conforming uses, provided that such nonconforming use of a building constructed less than 25 years prior to the effective date of the ordinance or amendment thereto causing it to become nonconforming shall be discontinued within 40 years from the date of the construction thereof and shall thereafter be devoted to conforming uses.

(b) *Lodginghouses and tourist homes.* The nonconforming use of a building in any single-family residential district for a lodginghouse or tourist home shall be discontinued within three years from the effective date of the ordinance or amendment thereto causing it to become nonconforming, and such building shall thereafter be devoted to conforming uses

Sec. 30-800.8. Damage to buildings devoted to nonconforming uses.

(a) When a building devoted to a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of 60 percent or less of its replacement value, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction, such building may be restored, repaired, reconstructed and used as before such damage, provided that the area devoted to the nonconforming use shall not be increased, and provided further that application for a building permit for the restoration, repair or reconstruction shall be submitted within two years of the date of damage.

(b) When a building devoted to a nonconforming use is damaged by fire, explosion by fire, explosion, act of God or the public enemy to the extent of more than 60 percent of its replacement value, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction, such building, if restored, shall thereafter be devoted to conforming uses, except as otherwise permitted pursuant to the provisions of section 17.20 of the Charter.

(Code 1993, § 32-800.8; Ord. No. 2003-184-131, 1, 5-27-2003)

[SEE VA CODE 15.2–2307; 2009 amendments. Effective 7-1-10]

Sec. 30-800.9. Seasonal uses.

Intermittent or temporary use of land, buildings or structures shall not be construed to establish the existence of a nonconforming use for the purposes of this division, provided that a lawful seasonal use that was in operation for at least two consecutive seasons immediately prior to the adoption of the ordinance from which this chapter is derived or subsequent amendment thereto shall be considered a nonconforming use for seasonal purposes only and shall be subject to applicable sections of this division

DIVISION 2. NONCONFORMING FEATURES

Sec. 30-810. Continuation.

Nonconforming features of uses, buildings and structures may be continued subject to the limitations set forth in this division. See section 30-1220 for the definition of a nonconforming feature.

Sec. 30-810.1. Alterations to buildings or structures having nonconforming features.

Any building or structure having a nonconforming feature may be maintained, enlarged, extended or structurally altered, provided that such enlargement, extension or structural alteration shall not increase the degree or extent of the nonconforming feature and provided, further, that no building or structure having a nonconforming feature shall be moved, reconstructed or substituted with another building or structure unless such nonconforming feature is thereby eliminated and the building or structure is made to conform with this chapter. Vertical expansion of that part of a building which is nonconforming with regard to a yard or open space requirement shall be considered an increase in the extent of the nonconforming feature and shall not be permitted. For the purpose of this section, the installation of wireless communications facilities, microwave relay facilities, or radio and television broadcast antennas, through use of alternative support structures, shall not be deemed to increase the degree or extent of a nonconforming feature, as set forth in section 30-692.3, provided the applicable requirements of that section are met.

Sec. 30-810.2. Alterations to radio and television broadcast antenna support structures, microwave relay facility support structures and wireless communications facility support structures.

Radio and television broadcast antenna support structures, microwave relay facility support structures and wireless communications support structures which have nonconforming features may be modified, strengthened, and/or rebuilt for the purpose of accommodating additional antennas, provided such modification, strengthening and/or rebuilding does not result in an increase in the preexisting diameter or horizontal dimensions and the overall height is not increased by more than ten percent. If the existing support structure is not of a monopole design and rebuilding is proposed, the replacement support structure shall be of monopole design.

Sec. 30-810.3. Damage to buildings or structures having nonconforming features.

(a) When a building or structure having a nonconforming feature is damaged by fire, explosion, act of God or the public enemy to the extent of 60 percent or less of its replacement value, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction, such building or structure may be restored, repaired or reconstructed as before the damage, provided that such restoration, repair or reconstruction shall not increase the degree or extent of any nonconforming feature that existed before the damage, and provided further that application for a building permit for the restoration, repair or reconstruction shall be submitted within two years of the date of damage.

(b) When a building or structure having a nonconforming feature is damaged by fire, explosion, act of God or the public enemy to the extent of more than 60 percent of its replacement value, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction, such building or structure may be reconstructed, provided that in the reconstruction thereof, the nonconforming feature shall be eliminated and the building or structures shall thereafter conform with the provisions of this chapter except as otherwise permitted pursuant to the provisions of section 17.20 of the Charter.

(c) When a main building is located in any district in which building height is limited by number of stories and when such main building is nonconforming with regard to height of stories, and is damaged by fire, explosion, act of God or the public enemy to any extent, such building or structure may be restored, repaired or reconstructed to such number of stories or height of stories as existed before the damage, provided such restoration, repair or reconstruction shall not increase the degree or extent of any nonconforming feature that existed before the damage, and provided further that application for a building permit for the restoration, repair or reconstruction shall be submitted within two years of the date of damage. (Ord. No. 2010-20, § 1, 3-8-2010)

[Code 1993, § 32-810.3; Ord. No. 2003-184-131, 1, 5-27-2003; Ord. No. 2009-36-56, § 1 & Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2010-177-173, § 1, 10-11-2010]

[SEE VA CODE 15.2–2307; 2009 amendments. Effective 7-1-10]

Sec. 30-820. Reserved.

DIVISION 3. VIOLATIONS

Sec. 30-830. Unlawful continuance.

Nothing contained in this article shall be construed to authorize or permit the continuance of any use or feature which was in violation of any chapter of this Code pertaining to zoning and preceding this chapter, and any such use or feature shall not be deemed to be nonconforming under this chapter and shall be unlawful.

ARTICLE IX. OVERLAY DISTRICTS

DIVISION 1. PARKING OVERLAY DISTRICTS

Sec. 30-900. Scope.

This division applies generally to parking overlay districts and is for the purpose of setting forth the means of establishing such districts and determining the off-street parking requirements applicable within each.

(Code 1993, § 32-900)

Sec. 30-900.1. Intent of districts.

(a) Pursuant to the general purposes of this chapter, the intent of parking overlay districts is to provide a means whereby the city council may establish overlay districts to enable application of appropriate off-street parking requirements to business uses located within areas of the city characterized by a densely developed pedestrian shopping environment in close proximity to residential neighborhoods. The districts are intended to recognize that, due to several factors, business uses located in such areas typically generate lower demands for privately maintained off-street parking spaces than are reflected in the requirements generally applicable in the city and set forth in section 30-710.1.

(b) Parking requirements within parking overlay districts are designed to reflect the factors that result in lower parking demand in such areas. These factors include:

(1) A function similar to that of a shopping center, resulting in a high proportion of multipurpose trips by patrons;

(2) Considerable walk-in trade due to proximity to residential areas and employment centers;

(3) Significant numbers of employees that walk to work due to proximity to living areas;

(4) Availability of public transportation; and

(5) Many older buildings which have been adapted from other uses and tend to be less efficient than newer special purpose buildings.

It is also intended that each parking overlay district reflect the supply of public parking spaces within the district by providing for further reduction in the parking requirements in direct proportion to available public parking.

(c) Parking overlay districts are intended to complement the UB urban business district and to be applied principally to those areas within such district which possess the factors enumerated in subsection (b) of this section, but may also be applied independent of the UB district to other areas where such factors exist within other specified districts.

Sec. 30-900.2. Application of districts and regulations.

(a) *Relation to other districts.* Parking overlay districts shall be in addition to and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by subsection (b) of this section and shown on the official zoning map. Any property lying within a parking overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Parking overlay districts shall be applied so as to overlay a UB, B-1, B-2 or B-3 district. Parking overlay districts may also be applied so as to overlay those portions of an RO-1, RO-2 or RO-3 district which lie contiguous to a UB, B-1, B-2 or B-3 district and constitute a part of the same parking overlay district.

(c) *Minimum district size.* Each parking overlay district shall comprise a contiguous area of not less than 25,000 square feet.

(d) *Establishment of districts.* Every parking overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a parking overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. A description of the boundaries of each parking overlay district, the date of adoption of the district or amendment thereto and the off-street parking requirements applicable therein shall be set forth in this chapter.

(e) *Application of district regulations.* Each parking overlay district is for the purpose of establishing the minimum number of off-street parking spaces required for specified uses located within that district and, unless specifically provided to the contrary in this division, such number shall be in lieu of the requirements set forth in section 30-710.1. In all other respects, the regulations normally applicable within the underlying district shall apply to property within the boundaries of the parking overlay district

Sec. 30-900.3. Number of spaces required.

The minimum number of off-street parking spaces required for uses located in each parking overlay district shall be determined by application of this section. The minimum number of parking spaces required for a use not included within any of the use groups set forth in subsection (1) of this section shall be as required for such use by section 30-710.1, unless specifically set forth to the contrary in the parking overlay district. The minimum number of off-street parking spaces required shall be as follows:

(1) *Base requirements.* The base requirements for the minimum number of off-street parking spaces for uses included within the following use groups shall be as follows, provided the lesser base requirements for specific uses or use groups may be established in the case of any parking overlay district when city council is satisfied that unique circumstances pertaining to the uses, physical conditions or functional characteristics within the parking overlay district justify such lesser base requirements:

a. Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 300 square feet of floor area.

b. Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 150 square feet of floor area.

c. Offices including medical and dental offices and clinics, studios, veterinary clinics, and similar uses: one space per 300 square feet for the first 1,500 square feet of floor area, plus one space per 540 square feet of floor area in excess thereof.

d. Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 750 square feet of floor area.

(2) *Public parking allowance.* It is the intent of this subsection that the base requirements set forth in subsection (1) of this section be reduced in proportion to the available supply of public parking spaces within each district. Such reduction shall be determined in accordance with the following and shall be known as the public parking allowance for the district. Prior to the introduction of any ordinance establishing a parking overlay district or expanding or contracting the boundaries of any such district, the following determinations shall be made relative to the particular circumstances within the proposed boundaries of the district in order to establish the public parking allowance applicable in that district:

a. *Total floor area.* The total square foot amount of all nonresidential floor area contained in all buildings located within the proposed district shall be determined. For purposes of such determination, floor area shall be as indicated on the most recent real estate tax assessment records of the city.

b. *Total parking need.* The total need for parking spaces within the proposed district shall be determined by multiplying the total floor area calculated under subsection (2) a. of this section by 3.0 parking spaces per 1,000 square feet of floor area.

c. *Available public parking.* The total number of public parking spaces available within the proposed district shall be determined. The percentage of the total parking need represented by such number of public parking spaces, rounded to the nearest five percent, shall be determined. Such figure shall be the public parking allowance applicable within the district. For purposes of this subsection, public parking spaces shall be as defined in section 30-1220.

d. *Application of public parking allowance.* The base requirements set forth in subsection (1) of this section shall be reduced by the public parking allowance determined under subsection (2) c. of this section. The result of such reduction, rounded to the nearest ten square feet, shall be the off-street parking requirements applicable to individual uses within the proposed parking overlay district.

(Ord. No. 2009-37-50, § 1, 4-13-2009)

Sec. 30-900.4. Method of determining required number of spaces for individual uses.

The minimum number of off-street parking spaces required for individual uses located within parking overlay districts shall be determined in accordance with the following rules:

(1) Subsections 30-710.3(a) through (e) shall be applicable.

(2) Where the number of parking spaces required for a particular use by application of subsection 30-710.3(f) is less than the number of spaces that would be required for that use by application of section 30-900.3, such lesser number of spaces shall be the requirement applicable to the use.

Sec. 30-900.5. Employee parking.

Notwithstanding the definition of the term of “parking space” in section 30-1220, not more than 25 percent of the minimum number of off-street parking spaces required for a use may be designated and reserved for employee parking and may be arranged in such manner that access to one such space is provided by passage through another parking space. For purposes of determining the permitted number of employee parking spaces, the minimum number of off-street parking spaces required for a use shall be construed to be the number of spaces determined after application of all of the sections of this division, including determination of any nonconforming rights that may be applicable to the use.

Sec. 30-900.6. Required spaces located off the premises.

Off-street parking spaces may be provided off the premises occupied by the use for which such spaces are required in accordance with section 30-710.4, provided that a parking overlay district may specify regulations pertaining to required spaces located of the premises that differ from those regulations set forth in section 30-710.4.

(Ord. No. 2009-37-50, § 1, 4-13-2009)

DIVISION 2. ESTABLISHMENT OF PARKING OVERLAY DISTRICTS

Sec. 30-910. Scope of division.

The sections of this division shall become effective in areas specified and on dates indicated.

Sec. 30-910.1. Grove/Libbie parking overlay district PO-1.

(a) On April 1, 1992, this division shall become effective in the Grove/Libbie PO-1 district. The boundaries of such district are as follows:

Beginning at the intersection of the centerlines of Grove Avenue and Granite Avenue; thence extending 233.9 feet in a southerly direction along the centerline of Granite Avenue to a point; thence extending 125 feet in a westerly direction along a line perpendicular to the west line of Granite Avenue to a point; thence extending 70 feet in a southerly direction along a line parallel to the west line of Granite Avenue to a point; thence extending 105 feet in a westerly direction along a line perpendicular to the west line of Granite Avenue to the centerline of a 20-foot-wide north/south public alley located in the block bounded by Grove Avenue, Granite Avenue, Matoaka Road and Libbie Avenue; thence extending 77 feet in a southerly direction along the centerline of such alley to a point; thence extending 225 feet in a westerly direction along a line of bearing N 76° 07' 36" W to the centerline of Libbie Avenue; thence extending 13.08 feet in a northerly direction along the centerline of Libbie Avenue to a point; thence extending 70 feet in a westerly direction along the centerline of a 20-foot-wide easement (N 69° 21' 30" W) to a point; thence continuing 121.77 feet in a westerly direction along the centerline of such easement (N 83° 01' 50" W) to a point; thence extending 53.55 feet in a southerly direction along a line of bearing S 18° 48' 40" W to a point; thence extending 145 feet in a westerly direction along a line of bearing N 54° 45' 50" W to the centerline of Maple Avenue; thence extending 393 feet, more or less, in a northerly direction along the centerline of Maple Avenue to a point; thence extending 91 feet in an easterly direction along a line of bearing N 87° 11' 29" E to a point; thence extending 64.00 feet in an easterly direction along a line of bearing N 86° 42' 05" E to a point; thence extending 616.17 feet in a northerly direction across York Road, along a line of bearing N 09° 05' 25" E to a point; thence extending 390.43 feet in an easterly direction across Libbie Avenue along a line of bearing S 76° 08' E to a point; thence extending 48.65 feet in a southerly direction along a line of bearing S 13° 52' W to a point; thence extending 140.92 feet in an easterly direction along a line of bearing N 86° 30' 40" E to a point; thence extending 388.63 feet in a southerly direction along a line of bearing S 13° 35' 56" W to a point; thence extending 148.78 feet in an easterly direction along a line of bearing S 76° 32' 04" E to the centerline of Granite Avenue; thence extending 213.45 feet in a southerly direction along the centerline of Granite Avenue to the point of beginning.

(b) The minimum number of off-street parking spaces required for uses located in the PO-1 district shall be as follows:

(1) Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 330 square feet of floor area;

(2) Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 170 square feet of floor area;

(3) Offices, including medical and dental offices and clinics: one space per 330 square feet for the first 1,500 square feet of floor area, plus one space per 590 square feet of floor area in excess thereof; and

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 750 square feet of floor area.

Sec. 30-910.2. Carytown parking overlay district PO-2.

(a) On the date of adoption, this division shall become effective in the Carytown PO-2 district. The boundaries of such district are as follows:

[NOTE: The legal description of the PO-2 district has been deleted for space-saving purposes, only. Overlay boundaries are shown on the official (GIS) Zoning Map.]

(b) The minimum number of off-street parking spaces required for uses located in the PO-2 district shall be as follows:

(1) Retail stores and shops, shopping centers, restaurants, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 430 square feet of floor area;

(2) Theaters, amusement centers, lodges and clubs, and similar uses: one space per 210 square feet of floor area;

(3) Offices, including medical and dental offices and clinics: one space per 430 square feet for the first 1,500 square feet of floor area, plus one space per 770 square feet of floor area in excess thereof; and

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 1,070 square feet of floor area.

(c) In the case of required parking spaces located off the premises, the provisions of section 30-710.4 shall be applicable in the PO-2 district, except as follows:

(1) Off-street parking spaces required for any nondwelling use may be provided off the premises within a 500-foot radius of a principal entrance to the building occupied by such use. In all cases, property used for such parking shall be located within a district where parking areas serving the proposed use are permitted.

(2) Where parking spaces required by this division are located on property other than that occupied by the use for which such spaces are required, the property shall be held in fee simple by the owner of the use involved or in such other tenure as assures continued availability for such. When the tenure is other than ownership in fee simple, the tenure shall not be less than one year, and the form and terms of tenure shall be approved by the city attorney before a certificate of use and occupancy or a certificate of zoning compliance may be issued. When use of property for parking purposes is discontinued, the zoning administrator shall be notified, by both the lessor and the lessee, in writing, a minimum of 30 days prior to the discontinuance, and unless the parking spaces located thereon are no longer required by this provision such spaces shall be provided elsewhere in compliance with this division.

(3) The requirements set forth in section 30-710.4(5) and pertaining to identification of off premise parking spaces, area or lots and notification on the premises of the use or uses for which parking is provided shall not be applicable in the PO-2 district.

(Ord. No. 2009-37-50, § 1, 4-13-2009)

Sec. 30-910.3. Main Street/Uptown parking overlay district PO-3.

(a) This division shall be effective in the Main Street/Uptown PO-3 district. The boundaries of such district are as shown on the official zoning map. (Ord. No. 2015-101-113, § 1, 5-26-2015)

(b) The minimum number of off-street parking spaces required for uses located in the PO-3 district shall be as follows:

(1) Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 540 square feet of floor area; (Ord. No. 2015-101-113, § 1, 5-26-2015)

(2) Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 270 square feet of floor area; (Ord. No. 2015-101-113, § 1, 5-26-2015)

(3) Offices, including medical and dental offices and clinics: one space per 540 square feet for the first 1,500 square feet of floor area, plus one space per 970 square feet of floor area in excess thereof; and (Ord. No. 2015-101-113, § 1, 5-26-2015)

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 1,350 square feet of floor area. (Ord. No. 2015-101-113, § 1, 5-26-2015)

(Code 1993, § 32-910.3; Ord. No. 2007-188-164, § 1, 7-23-2007; Ord. No. 2015-101-113, § 1, 5-26-2015)

Sec. 30-910.4. West Broad Street parking overlay district PO-4.

(a) This division shall become effective in the West Broad Street PO-4 district. The boundaries of such district are as follows:

Beginning at the intersection of the centerline of North Boulevard and the centerline of West Broad Street; thence extending 6,469 feet, more or less, in an easterly direction along the centerline of West Broad Street to the centerline of North Harrison Street; thence extending 208.7 feet, more or less, in a southerly direction along the centerline of North Harrison Street to the centerline of a 21.3-foot-wide east/west alley; thence extending 275.6 feet, more or less, in a westerly direction along the centerline of such alley to the terminus of such alley; thence continuing 255.6 feet, more or less, in a westerly direction along the extension of the centerline of such alley to the centerline of Ryland Street; thence extending 20.7 feet, more or less, in a northerly direction along the centerline of Ryland Street to the centerline of an 18-foot-wide east/west alley; thence extending 5,888 feet, more or less, in a westerly direction along the centerline of such alley to the centerline of North Boulevard; thence extending 201.9 feet, more or less, in a northerly direction along the centerline of North Boulevard to the point of beginning.

(b) The minimum number of off-street parking spaces required for uses located in the PO-4 district shall be as follows:

(1) Retail stores and shops, shopping centers, food stores, personal service and other service businesses, banks and savings and loan offices, and similar businesses: one space per 330 square feet of floor area.

(2) Restaurants, theaters, amusement centers, lodges and clubs, and similar uses: one space per 170 square feet of floor area.

(3) Offices, including medical and dental offices and clinics: one space per 330 square feet for the first 1,500 square feet of floor area, plus one space per 590 square feet of floor area in excess thereof.

(4) Furniture, carpet, appliance, hardware or home improvement stores; clothing, shoe or other repair shops; and similar uses: one space per 830 square feet of floor area.

Sec. 30-910.5. Brookland Park Boulevard/North Avenue parking overlay district PO-5.

[NOTE: Ord. No. 2015-200-196 § 1, 10-12-2015; REPEALED the Brookland Park Boulevard/North Avenue Parking Overlay District (PO-5) and included within the PE-7 Brookland Park Boulevard/North Avenue Parking Exempt Parking Overlay District.]

DIVISION 3. RESERVED

Editor's Note: Ord. No. 2004-333-323, § 2, adopted Dec. 13, 2004 and effective Jan. 1, 2005, repealed Div. 3, §§ 30-920-30-920.17, which pertained to Chesapeake Bay Preservation Areas and derived from Code 1993, §§ 32-920-32-920.17.

Secs. 30-920--30-920.17. Reserved.

DIVISION 4. OLD AND HISTORIC DISTRICTS

Sec. 30-930. Applicability of division.

This division shall apply generally to designated old and historic districts for the purpose of preserving the unique historic and architectural character of such districts through the review of applications for certificates of appropriateness.

Sec. 30-930.1. Definitions.

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

Alteration means any change, modification or addition to the structure, materials, color, texture or details of all or a part of the exterior of any building, structure, or site other than normal repair, maintenance, and landscaping.

Certificate of appropriateness means the approval statement issued by the commission of architectural review and signed by its secretary which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building, structure or site within an old and historic district and which is subject to all other permits required by law.

Demolition means the dismantling or tearing down of all or a part of any building or structure and all operations, including grading, incidental thereto.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color; the kind and texture of the building material; the type and style of all windows, doors, light fixtures, signs, decorative features; and other appurtenances that are subject to public view.

Historic means that which pertains to periods of development, events, persons, and activities of importance in the history of the city, the commonwealth, or the United States of America.

Historic resources means such buildings, objects, structures, neighborhoods, sites or areas within the city that are either designated as or eligible for designation as old and historic districts.

Major plantings means any substantial existing or proposed plant material, including but not limited to trees or shrubs with trunks greater than three inches in diameter or eight feet in height and hedgerows exceeding ten feet in length.

New construction means any construction within an old and historic district which is independent of an existing structure or an expansion of an existing structure.

Normal repair and maintenance means any work involving the replacement of existing work with equivalent material, design, color, and workmanship for the purpose of maintaining the existing condition of the building, structure or site.

Old and historic district means any portion of the city designated in accordance with this division and subject to the review of the commission of architectural review.

Public view means that which is visible from a public right-of-way or public place.

Site means any parcel of unimproved property, a parking lot or a park within an old and historic district.

Site improvements means structural changes to the grounds of a property, including the installation or alteration of walls, fences, or structures; paving; regrading; and the installation or removal of major plantings.

Substantial impact means changes that involve partial or total demolition, new construction, the expansion of an existing building or structure, or the modification of any public building or public right-of-way.

Sec. 30-930.2. Purpose.

The purpose of creating old and historic districts is to provide a means by which the city council may recognize and protect the historic, architectural, cultural, and artistic heritage of the city. This process of historic preservation is a part of the promotion of the general welfare and the protection of community health and public safety of the city through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, sites and features with special historic, cultural, artistic, and architectural significance. To achieve this general purpose, the city seeks to pursue the following specific purposes:
(1) The identification, designation, and protection of historic resources throughout the city.
(2) The promotion of harmony of style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.
(3) The recognition and protection of appropriate settings and environments for historic districts, buildings, structures and sites.
(4) The enhancement of the quality of life for residents and the providing of attractions to visitors by preserving the historic resources of the city.
(5) The education of residents and visitors about the city's historic resources.
(6) The incorporation of historic preservation into the permit review process of the city.

Sec. 30-930.3. Commission of architectural review.

(a) *Established.* There is hereby created and established a commission of architectural review, referred to in this division as the "commission."

(b) *Composition; terms of office; compensation.* The commission of architectural review shall consist of nine members. The members shall be appointed by the city council for terms of office of three years from the date of appointment. The provisions of section 2-836 of this Code shall be applicable to all members of the commission. Appointments to the commission shall be as follows:

(1) One of the members shall be appointed from a list of at least three nominees submitted by the Better Housing Coalition; (Ord. No. 2014-73-53, § 1, 4-28-2014)

(2) One shall be appointed from a list of at least three nominees submitted by the Richmond Chapter of the American Institute of Architects; (Ord. No. 2014-73-53, § 1, 4-28-2014)

(3) One shall be appointed from a list of at least three nominees submitted by the Historic Richmond Foundation;

(4) One shall be appointed from a list of at least three nominees submitted by the Richmond Association of Realtors; and

(5) Five shall be citizens of the city appointed at large.

Further, two of the nine members of the commission shall be residents of Old and Historic Districts. Vacancies on the commission shall be filled in the same manner. One of the at-large members shall serve a concurrent term on the urban design committee of the planning commission. No officer or employee of any organization that may nominate candidates for appointment to the commission shall be appointed as a member of the commission. For members appointed at large, any individual, preservation organization, professional organization, or civic group may nominate individuals to serve on the commission. The members of the commission shall serve as such without compensation.

(c) *Secretary.* The Director of the department of planning and development review shall appoint a secretary for the commission of architectural review, who shall be a qualified employee of that department. The secretary shall keep a record of all resolutions, proceedings and actions of the commission.

(d) *Responsibilities and duties.* The commission of architectural review shall have the power and authority to issue or deny certificates of appropriateness for construction, alteration, reconstruction, repair, restoration, or demolition within any old and historic districts. In addition, the commission shall have the duty to:

(1) Hold regular meetings for consideration of certificates of appropriateness and other meetings as needed to carry out the responsibilities set forth in this section.

(2) Assist and advise the city council, the mayor, the chief administrative officer, the planning commission, the board of zoning appeals, property owners and individuals in matters involving historic resources relating to appropriate land use, zoning, and other issues.

(3) Maintain documentation on historic resources throughout the city.

(4) Undertake studies for the planning commission and the city council on historic resources of the city for the master plan and other planning efforts.

(5) Document and recommend to the planning commission and city council the creation and amendment of old and historic districts.

(6) Adopt architectural guidelines and architectural standards applicable to properties located in old and historic districts.

(7) Adopt guidelines for the delegation to the secretary of the review and approval of applications for certificates of appropriateness.

(8) Sponsor educational and informational activities, which publicize historic preservation efforts which include but are not limited to speaking engagements, publications, press releases, and audio and visual presentations.

(9) Investigate and recommend districts, buildings, structures, and sites of historic, architectural or cultural importance to the city, the commonwealth, or the United States of America which should be preserved and protected and report on these historic resources to the mayor, chief administrative officer, city council or planning commission.

(e) *Rules of procedure.* The commission of architectural review shall be authorized to adopt rules of procedure for the transaction of its business and implementation of the purposes of this division. The rules of procedure shall not conflict with this division.

(Code 1993, § 32-930.3; Ord. No. 2004-360-330, § 1, 12-13-2004; Ord No. 2010-185-198, § 1; 11-22-2010)

Sec. 30-930.4. Process for establishment and regulation.

(a) *Scope.* There may be created in the city certain districts to be known as old and historic districts, which are referred to as such in this division and which shall be an overlay to the other zoning districts into which the city is divided. The boundaries of any districts created shall be shown on the official zoning map on file with the department of planning and development review, as such may be amended from time to time by the city council, which map is incorporated in this division by reference and made a part of this division. Materials documenting the process of establishing an old and historic district shall be kept in the files of the department of planning and development review. The adoption, amendment or repeal of any boundaries of such old and historic districts shall comply with and be subject to all procedures and criteria set forth in the Charter applicable to the adoption, amendment or repeal of the comprehensive zoning ordinance.

(b) *Process for creation of districts.* As the commission of architectural review undertakes the evaluation of historic resources in the city, it may deem it appropriate to initiate the establishment of additional old and historic districts. Any individual or organization may request that the commission initiate the review of a potential old and historic district. The review of a proposed old and historic district shall be at the discretion of the commission. However, it shall be undertaken automatically upon introduction of a paper proposing the establishment of a new old and historic district by the mayor or by a member of the city council. To begin the review process of a proposed old and historic district, the commission shall pass a resolution instructing the secretary to begin administration of the review process.

(c) *Commission review; public hearing.* To begin the review process for the creation of an old and historic district, the commission of architectural review shall hold a public hearing with notice to all property owners within the proposed old and historic district boundary and all owners of all property, any part of which lies within 150 feet of the proposed district. Notice of the public hearing shall be published twice in a daily newspaper of general circulation in the city. The first notice shall be published not less than 14 days prior to the date of such hearing; the second shall be published not less than seven days prior to the date of the hearing. In addition, the establishment of an old and historic district shall follow the procedures set forth in article XI of this chapter. The commission may choose to set forth additional procedures for the review of old and historic districts in its rules of procedure.

(d) *Criteria for establishment of additional districts.* The following criteria shall be used by the commission of architectural review in evaluating potential old and historic districts. The commission may recommend a neighborhood, district, building, structure or site for designation as an old and historic district, if it meets one or more of the following criteria:

(1) It has significant character, interest or value as a part of the historic development of the city.

(2) It is the site of an historic event which had a significant impact on the history of the city.

(3) It exemplifies the architectural, cultural, economic, social, political, artistic, or religious history of the city.

(4) It portrays the architectural character of a particular era in the history of the city.

(5) It is a rare example of a building built for a particular purpose, a type or form of building, a particular architectural style, or a form of engineering.

(6) It is the work of a designer or craftsman whose individual work has significantly impacted the city, the commonwealth, or the United States of America.

(7) It contains elements of design, detail, material or craftsmanship that represent a significant innovation for its time period.

(8) It is related to a park, street configuration, open space, hill, body of water, or landscaped grounds of significance in the areas of urban planning or landscape architecture.

(9) It constitutes a landmark of the city, owing to its unique location or unusual physical characteristics.

(10) It is contiguous with a neighborhood, district, building, structure, or site that meets one or more of the criteria in subsections (d)(1) through (9) of this section, and changes to it could impact the neighborhood, district, building, structure or site that meets such criteria.

All old and historic districts created prior to the adoption of the ordinance from which this section is derived shall be deemed to meet one or more of these criteria.

(e) *Relation to other districts.* Old and historic districts shall be in addition to the underlying zoning and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by this chapter and shown on the official zoning map. Any property lying within an old and historic district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(f) *Application of district regulations.* Each old and historic district is established to create a certificate of appropriateness review process as provided in this section. In all other respects, the regulations normally applicable within the underlying zoning district shall apply to property within the boundaries of the old and historic district.

(Code 1993, § 32-930.4; Ord. No. 2004-360-330, § 1, 12-13-2004)

Sec. 30-930.5. Establishment of particular old and historic districts.

The provisions of this division shall be applicable within the following districts, which are hereby established and designated as old and historic districts:

The Barret House Old and Historic District
(15 South Fifth Street)

The boundaries of such district are as follows: beginning at the intersection of the east line of South Fifth Street and the north line of East Cary Street; thence in a northerly direction along the east line of South Fifth Street 82.5 feet more or less to a point; thence in a easterly direction along a line parallel with the north line of East Cary Street 130 feet more or less to the west line of a north-south alley between South Fifth Street and South Sixth Street; thence in a southerly direction 82.5 feet more or less along said line to the north line of East Cary Street; thence in a westerly direction 130 feet more or less along the north line of East Cary Street to the point of beginning.

Belgian Building Old and Historic District
(Lombardy Street and Brook Road)

The boundaries of such district are as follows: beginning at the intersection of the northwest line of North Lombardy Street and the west line of Brook Road; thence in a southwesterly direction along North Lombardy Street 550 feet to a point; thence in a northwesterly direction along a line 400 feet more or less to a point; thence in a northeasterly direction along a line parallel to North Lombardy Street 750 feet to the south line of West Graham Road; thence in an easterly direction along the south line of West Graham Road to its intersection with the west line of Brook Road; thence in a southerly direction along the west line of Brook Road to the point of beginning.

Bolling Haxall House Old and Historic District
(211 East Franklin Street)

The boundaries of such district are as follows: beginning on the south line of East Franklin Street at a point 52.5 feet more or less west of the west line of North Third Street; thence extending in a westerly direction along the south line of East Franklin Street 76.75 feet more or less to the western property line of parcel W000-0047-006 (as assigned by the assessor of the city, as of February 24, 1975, for tax purposes); thence in a southerly direction along said property line 207.67 feet more or less to the north line of an alley; thence in an easterly direction along said line 59.25 feet more or less to the eastern property line of parcel W000-0047-006; thence in a northerly direction along said property line as it meanders to the point of beginning.

Boulevard Old and Historic District

The boundaries of such district are as follows: beginning at a point on the north line of Idlewood Avenue 145 feet more or less east of its intersection with the east line of South Boulevard (point A as shown on a map of the Boulevard Old and Historic District on file in the City of Richmond Department of Planning and development review, which shows the parcels as designated by the assessor of the city, as of May 11, 1992, for tax purposes); thence in a northerly direction 100 feet more or less to point B on the east line of a 14-foot north-south alley; thence in a northerly direction along the east line of said alley to point C; thence across Grayland Avenue to its intersection with the east line of a 15-foot north-south alley (point D) and extending the length of the block 258.28 feet more or less to point E; thence in a northerly direction across Parkwood Avenue to its intersection with the east line of a 15-foot north-south alley (point F) and extending the length of the block 259.95 feet more or less to point G; thence in a northerly direction across West Cary Street to its intersection with the east line of a 15-foot north-south alley (point H) and extending the length of the block 379.90 feet more or less to point I; thence in a northerly direction across West Main Street to its intersection with the east line of a 14.17-foot north-south alley (point J) and extending the length of the block 381.43 feet more or less to point K; thence in a northerly direction across Floyd Avenue to its intersection with the east line of a 14-foot north-south alley (point L) and extending 246.63 feet more or less to point M; thence in a westerly direction along the north line of a 15-foot east-west alley to its terminus 54.24 feet more or less (point N); thence in a northerly direction along a line 135 feet more or less to point O; thence in a northerly direction across Grove Avenue to a point 100 feet more or less east of the intersection of the east line of North Boulevard with the north line of Grove Avenue (point P); thence in a northerly direction along rear property lines 199.5 feet more or less to point Q; thence in an easterly direction 70 feet more or less to the east line of a 20-foot north-south alley (point R); thence in a northerly direction to a point 100 feet more or less south of the south line of Hanover Avenue (point S); thence in a westerly direction across the 20-foot north-south alley and along the south line of a 19-foot east-west alley-in-common 44 feet more or less to point T; thence in a northerly direction 36 feet more or less to point U; thence in an easterly direction 5 feet more or less to point V; thence in a northerly direction 27 feet more or less to point W; thence in an easterly direction 6 feet more or less to point X; thence in a northerly direction 37 feet more or less along a rear property line to its intersection with the south line of Hanover Avenue (point Y); thence across Hanover Avenue to the west line of a private alley 67.92 feet more or less east of the east line of North Boulevard (point Z); thence in a northerly direction along the west line of said private alley 81.50 feet more or less to point A1; thence in an easterly direction along rear property lines 82.08 feet more or less to a 20-foot north-south alley (point B1); thence in an easterly

direction across said alley to its east line (point C1); thence in a northerly direction along said alley extending the length of the block 298 feet more or less to point D1; thence in a northerly direction across Stuart Avenue to a point 85 feet more or less east of the east line of North Boulevard (point E1); thence in a northerly direction 54.50 feet more or less to point F1; thence in an easterly direction 85 feet more or less to the east line of a 20-foot north-south alley (point G1); thence in a northerly direction along said alley extending the length of the block 324.98 feet more or less to point H1; thence in a northerly direction across Kensington Avenue to its intersection with the east line of a 20-foot north-south alley (point I1) and extending the length of the block 375.07 feet more or less to point J1; thence in a northerly direction across Park Avenue to point K1; thence in a westerly direction along the north line of Park Avenue to its intersection with the east line of North Boulevard (point L1); thence in a northerly direction extending the length of the block 294.03 feet more or less to point M1; thence in a northerly direction across Monument Avenue to point N1; thence continuing in a northerly direction along the east line of North Boulevard 149 feet more or less to point O1; thence in an easterly direction along the south line of a 15.58 foot east-west alley 88.97 feet more or less to point P1; thence in a northerly direction across said alley to its intersection with the west line of a 10-foot north-south private alley (point Q1); thence in a northerly direction 57.5 feet more or less along the west line of said private alley to point R1; thence in a westerly direction 10 feet more or less along the south line of said alley to point S1; thence in a northerly direction along a property line 72.5 feet more or less to point T1; thence in a northerly direction across West Grace Street to point U1, said point being 71.67 feet more or less east of the east line of North Boulevard; thence in a northerly direction along rear property lines 145 feet more or less to the south line of a 20.72-foot east-west alley (point V1); thence in a northerly direction across said alley to point W1; thence in a westerly direction along the north line of said alley to its intersection with the east line of North Boulevard (point X1); thence in a westerly direction across North Boulevard to a point 121.83 feet more or less south of the south line of West Broad Street (point Y1); thence in a westerly direction 165.33 feet more or less along a property line extended to the west line of a 15.33-foot north-south alley (point Z1); thence in a southerly direction along said alley to a point 90 feet more or less north of the north line of West Grace Street (point A2); thence in an easterly direction across the alley 65.33 feet more or less to the east line of a north-south private alley (point B2); thence in a southerly direction along a property line to its intersection with the north line of West Grace Street (point C2); thence in a southerly direction across West Grace Street to the west line of an 11-foot north-south alley (point D2); thence in a southerly direction along the west line of said alley to its intersection with a 15.40-foot east-west alley (point E2); thence across said alley to point F2; thence in a southerly direction 45.31 feet more or less along a rear property line to point G2; thence in an easterly direction along a south property line to its intersection with the west line of North Boulevard (point H2); thence in a southerly direction 87 feet more or less along the west line of North Boulevard to its intersection with the north line of Monument Avenue (point I2); thence in a southerly direction across Monument Avenue to point J2; thence in a westerly direction along the south line of Monument Avenue to the west line of a 15.33-foot north-south alley (point K2); thence in a southerly direction along the west line of said alley to a point 75 feet more or less north of said alley's intersection with the north line of Park Avenue (point L2); thence in an easterly direction across said alley to point M2 and along a rear property line to the east line of a private north-south alley (point N2); thence in a southerly direction along said alley to its intersection with the north line of Park Avenue (point O2); thence in a westerly direction along the north line of Park Avenue to its intersection with the west line of North Colonial Avenue (point P2); thence in a southerly direction along the west line of North Colonial Avenue to its intersection with the south line of Patterson Avenue (point Q2); thence in an easterly direction along the south line of Patterson Avenue to the west line of a 15-foot north-south alley (point R2); thence in a southerly direction along the west line of said alley extending the length of the block, 379.5 feet more or less to point S2; thence in a westerly direction along the north line of Kensington Avenue to its intersection with the west line of North Sheppard Street (point T2); thence in a southerly direction along the west line of North Sheppard Street to its intersection with the south line of Grove Avenue (point U2); thence in an easterly direction along the south line of Grove Avenue to a point 106.50 feet more or less west of the west line of North Boulevard (point V2); thence in a southerly direction 160.02 feet more or less to point W2; thence in a westerly direction 38.60 feet more or less to the east line of a 40-foot north-south alley (point X2); thence in a westerly direction across said alley to point Y2; thence in a southerly direction along the west line of said alley to its intersection with the south line of a 14.94-foot east-west alley (point Z2); thence in an easterly direction along the south line of said alley to its intersection with the west line of a 15-foot north-south alley (point A3); thence in a southerly direction along the west line of said 15-foot alley to its intersection with the north line of Floyd Avenue (point B3); thence in a southerly direction across Floyd Avenue to point C3; thence in an easterly direction along the south line of Floyd Avenue to a point 110 feet more or less west of the west line of North Boulevard (point D3); thence in a southerly direction 60 feet more or less to point E3; thence in a westerly direction 40 feet more or less across rear property lines to its intersection with the east line of a 15-foot north-south alley (point F3); thence in a westerly direction across said alley to point G3; thence in a southerly direction along the west line of said 15-foot alley extended to the next 15-foot north-south alley in the same block and to its intersection with the north line of Ellwood Avenue (point H3); thence in a southerly direction across Ellwood Avenue to point I3; thence in a southerly direction along the west line of a 15-foot north-south alley to point J3; thence in a southerly direction to point K3; thence in a southerly direction along the west line of a 20.04-foot north-south alley to a point 66.67 feet more or less north of the north line of West Cary Street (point L3); thence in an easterly direction across said alley to point M3; thence in an easterly direction 42 feet more or less along a rear property line to point N3; thence in a southerly direction 66.67 feet more or less to its intersection with the north line of West Cary Street (point O3); thence in a southerly direction across West Cary Street to its intersection with the west line of a 15-foot north-south alley (point P3); thence in a southerly direction along the west line of said alley and extending the length of the block 873.98 feet more or less to its intersection with the north line of Idlewood Avenue (point Q3); thence in an easterly direction along the north line of Idlewood Avenue 372.37 feet more or less to point A, the point of beginning.

Broad Street Old and Historic District

The boundaries of such district are as follows: beginning at the intersection of the west line of North First Street and the south line of East Broad Street, thence in a southerly direction along the west line of North First Street to the south line of the easternmost east-west alley that extends from North First Street between East Broad Street and East Grace Street; thence in a westerly direction along said line extended and the south line of the east-west alley that extends from North Foushee Street as it meanders to the east line of North Foushee Street; thence in a westerly direction along said line to the east line of North Belvidere Street; thence in a northerly direction along the east line of North Belvidere Street to the north line of an east-west alley extended between West/East Marshall Street and West/East Broad Street; thence in an easterly direction along said extended line to the west line of North First Street; thence in a southerly direction along the west line of North First Street to the point of beginning.

Centenary United Methodist Church Old and Historic District **(409 East Grace Street)**

The boundaries of such district are as follows: beginning at a point on the south line of East Grace Street, said point being 52.21 feet more or less west of the west line of North Fifth Street; thence in a southerly direction along a line 121.5 feet more or less to the north line of an east-west alley between East Grace Street and East Franklin Street; thence in a westerly direction along said line 78 feet more or less to the west line of a north-south alley between North Fifth Street and North Fourth Street; thence 40.58 feet more or less in a southerly direction along said line to a point on the south property line of parcel W000-024-004 (as assigned by the assessor of the city, as of February 24, 1975, for tax purposes); thence 44.67 feet more or less in a westerly direction along said property line to a point on the west property line of said parcel; thence in a northerly direction along said property line 162.08 feet more or less to the south line of East Grace Street; thence 121.67 feet more or less in an easterly direction along the south line of East Grace Street to the point of beginning.

Chimborazo Park Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the west line of North Thirty-Second Street and the south line of East Marshall Street; thence in a southerly direction along the west line of North Thirty-Second Street to the north line of East Grace Street; thence in a southerly direction along the western edge of the westernmost roadway in Chimborazo Park 400 feet more or less to a point; thence in a southwesterly direction 150 feet more or less to a point 100 feet above sea level, said point also being on a line 700 feet more or less from the park roadway to the intersection of the south line of Libby Terrace and the west line of North Thirty-First Street; thence along the 100-foot contour line as it meanders to the intersection of said 100-foot contour line and the north line of Government Road; thence along the north line of Government Road to a point, said point being at the east property line extended of parcel E000-1290-016 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes); thence in a northerly direction along said line projected and along the west property line of parcel E000-1288-008 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes); thence in a northerly direction along said property line and the east property lines of the following parcels: E000-1288-010, E000-1288-011 and E000-1288-006 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes) to the south line of East Marshall Street, said point being 296 feet more or less east of the east line of North Thirty-Sixth Street; thence in a westerly direction along the south line of East Marshall Street to the west line of North Thirty-Fifth Street; thence in a northerly direction along the west line of North Thirty-Fifth Street to the south line of the southernmost east-west alley between East Marshall Street and East Clay Street; thence in a westerly direction along said line to the east line of Chimborazo Boulevard; thence in a southerly direction along the east line of Chimborazo Boulevard 39 feet more or less to the north property line extended of parcel E000-0884-014 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes); thence in a westerly direction along said property line extended, said line being 120 feet more or less from the north line of East Marshall Street and continuing along the south line of an east-west alley between East Marshall Street and East Clay Street to the east line of North Thirty-Third Street; thence in a southerly direction along the east line of North Thirty-Third Street to the south line of East Marshall Street; thence in a westerly direction along the south line of East Marshall Street to the point of beginning.

Church Hill North Old and Historic District

The boundaries of such district are as follows: Beginning at the point of intersection of the east right-of-way line of N. 21st Street and the south right-of-way line of the southernmost east-west alley between E. Marshall Street and E. Broad Street; thence in a northerly direction along said west right-of-way line to the southeast right-of-way line of Jefferson Avenue; thence in a northeasterly direction along said right-of-way line four blocks to the east right-of-way line of N. 25th Street; thence in a northerly direction along said right-of-way line to the south right-of-way line of Cedar Street; thence in an easterly direction along said right-of-way line two and one half blocks to the east right-of-way line of the north-south alley between N. 27th Street and N. 29th Street; thence in a northerly direction along said right-of-way line to the south right-of-way line of O Street; thence in an easterly direction along said right-of-way line to the west right-of-way line of N. 29th Street; thence in a southerly direction along said right-of-way line to the south right-of-way line of N Street; thence in an easterly direction along said right-of-way line to the west right-of-way line of N. 30th Street; thence in a southerly direction along said right-of-way line to the north right-of-way line of M Street; thence in a westerly direction along said right-of-way line to the east property line extended of parcel E000-0573/001 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence in a southerly direction along said east property line to the south property line of said parcel; thence in a westerly direction along said south property line to the east property line of parcel E000-0573/045 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence in a southerly direction along said east property line and a series of east property lines extended to the north property line of parcel E000-0573/030 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence in an easterly direction along said north property line to the east property line of said parcel; thence in a southerly direction along said east property line extended to the south right-of-way line of E. Leigh Street; thence in a westerly direction along said right-of-way line to the west right-of-way line of a north-south alley between N. 29th Street and N. 30th Street; thence in a southerly direction along said right-of-way line extended to the north right-of-way line of E. Clay Street; thence in a westerly direction along said right-of-way line to the west right-of-way line of N. 29th Street, thence in a southerly direction along said right-of-way line to the south property line extended of parcel E000-0530/013 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence in a westerly direction along said south property line extended, crossing the north-south alley between N. 28th Street and N. 29th Street, to the south property line of parcel E000-0530/032 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence in a westerly direction along said south property line extended, crossing N. 28th Street, to the centerline of the east-west alley between E. Marshall Street and E. Broad Street; thence in a westerly direction along said centerline extended, crossing N. 27th Street, to the south property line of parcel E000-0437/013 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence in a westerly direction along said south property line extended to the centerline of another east-west alley between E. Marshall Street and E. Broad Street; thence in a westerly direction along said centerline extended, crossing N. 26th Street and bisecting parcel E000-0385/006 (as assigned by the Assessor of the City, as of April 4, 2007, for tax purposes); thence continuing in a westerly direction along said centerline extended to the west right-of-way line of N. 25th Street; thence in a northerly direction along said west right-of-way line to the south right-of-way line of E. Marshall Street; thence in a westerly direction along said south right-of-way line to the west right-of-way line of N. 23rd Street; thence in a southerly direction along said west right-of-way line to the north right-of-way line of the east-west alley between E. Marshall Street and E. Broad Street; thence in a westerly direction along said north right-of-way line to the east right-of-way line of N. 22nd Street, thence in a northwesterly direction, crossing N. 22nd Street, to the south right-of-way line of the northernmost east-west alley between E. Marshall Street and E. Broad Street; thence in a westerly direction along said south right-of-way line to the east right-of-way line of the north-south alley between N. 21st Street and N. 22nd Street; thence in a southerly direction along said east right-of-way line to the south right-of-way line of the southernmost east-west alley between E. Marshall Street and E. Broad Street; thence in a westerly direction along said south right-of-way line to the point of beginning. It should be noted that the southern boundary line for the Church Hill North Old and Historic District is contiguous with the northern boundary line for the existing St. John's Church Old and Historic District.

Crozet House Old and Historic District
(100-102 East Main Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of East Main Street and the east line of North First Street; thence in an easterly direction 59 feet more or less to a point; thence in a northerly direction along a line parallel with the east line of North First Street 151.50 feet more or less to the south line of an east-west alley between East Main Street and East Franklin Street; thence in a westerly direction along said line 59 feet more or less to the east line of North First Street; thence in a southerly direction along the east line of North First Street 151.50 feet more or less to the point of beginning.

Glasgow House Old and Historic District
(1 West Main Street)

The boundaries of such district are as follows: beginning at the intersection of the south line of West Main Street and the west line of South Foushee Street; thence extending in a westerly direction along the south line of West Main Street 80 feet more or less to a point; thence in a southerly direction 155.50 feet more or less along a line to the north line of an east-west alley between West Main Street and West Cary Street; thence in an easterly direction 80 feet more or less along said line to the west line of South Foushee Street; thence in a northerly direction 155.50 feet more or less along the west line of South Foushee Street to the point of beginning.

Hancock-Wirt-Caskie House Old and Historic District
(2 North Fifth Street)

The boundaries of such district are as follows: beginning at the intersection of the west line of North Fifth Street and the north line of East Main Street; thence in a northerly direction along the west line of North Fifth Street 83.33 feet more or less to a point; thence in a westerly direction along a line 60.90 feet more or less to a point on the east property line extended of parcel W000-0023-013 (as assigned by the assessor of the city, as of February 24, 1975, for tax purposes); thence in a southerly direction approximately 83.33 feet more or less along a line to the north line of East Main Street; thence in an easterly direction along the north line of East Main Street 60.90 feet more or less to the point of beginning.

Henry Coalter Cabell House Old and Historic District
(116 South Third Street)

The boundaries of such district are as follows: beginning at the intersection of the west line of South Third Street and the north line of East Canal Street; thence in a northerly direction along the west line of North Third Street 107.33 feet more or less to a point; thence in a westerly direction along a line to a point on the east line of a north-south alley between North Second Street and North Third Street, said point being 107.33 feet more or less north of the north line of East Canal Street; thence in a southerly direction along said line to the north line of East Canal Street; thence in an easterly direction along the north line of East Canal Street to the point of beginning.

Hermitage Road Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the west line of Hermitage Road extended and the south line of Laburnum Avenue extended; thence in a northerly direction along the west line of Hermitage Road extended to the north line of Laburnum Avenue extended; thence in a westerly direction along the north line of Laburnum Avenue extended to the east line of Hill Monument Parkway extended; thence in a northerly direction along the east line of Hill Monument Parkway extended to the south line of Hill Monument Parkway extended; thence in a northerly direction across Hill Monument Parkway to the north line of Hill Monument Parkway; thence in a westerly direction along the north line of Hill Monument Parkway to a point at the west property line of parcel N017-0473-006 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); said point being 140.54 feet more or less west of the west line extended of Hermitage Road; thence in a northerly direction along said property line and parcels N017-0473-005 and N017-0473-001 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), a combined distance of 635.28 feet more or less to the east line of a 25-foot north-south alley west of Hermitage Road, said alley being the easternmost alley west of Hermitage Road; thence in a northerly direction along said line to the terminus of the alley and the western property line of parcel N017-0228-007 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said terminus being 804.50 feet more or less north of the north line of Bellevue Avenue; thence in a northerly direction along said property line a distance of 410.59 feet more or less to the right-of-way line of Interstate Highway 95; thence in a northeasterly and in an easterly direction continuing along said right-of-way line a total distance of 385.85 feet more or less to the west line of Hermitage Road; thence in a northerly direction along the west line of Hermitage Road to the south line extended of Westbrook Avenue; thence in an easterly direction along the south line extended of Westbrook Avenue to a point at the northeast property line of parcel N017-0178-010 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said point being 150 feet more or less east of the east line of Hermitage Road extended; thence in a southeasterly direction along said property line and the northeast property line of parcel N017-0178-009 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), to its intersection with the east property line of parcel N017-0178-009 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); thence in a southerly direction along said property line extended 656.50 feet more or less to the north property line extended of parcel N017-0178-002 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); thence in a westerly direction along said property line extended 83 feet more or less to the east property line of parcel N017-0178-002 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); thence in a southerly direction along said property line and the east property line extended of parcel N017-0178-001 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), 200 feet more or less to the south line of Princeton Road, said point being 250 feet more or less east of the east line of Hermitage Road; thence in a southerly direction along said line extended a distance of 300 feet more or less to the east property line of parcel N017-0258-056 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said point being 250 feet more or less east of the east line of Hermitage Road; thence in a westerly direction along said property line 190.85 feet more or less to the northeast property line of parcel N017-0258-030 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said point being 182 feet more or less north of the west line of Pope Avenue; thence in a southeasterly direction along said property line extended to the west line of Pope Avenue; thence in a southeasterly direction across Pope Avenue, to a point on the east line of Pope Avenue at the northeast property line of parcel N000-2339-001 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said property line being 340 feet more or less northeast of the intersection of the east line of Pope Avenue extended and the north line of Bellevue Avenue extended; thence in a southeasterly direction along said property line to the east property line of parcel N000-2339-001 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); thence in a southerly direction along said property line to the north line of Bellevue Avenue; thence in a westerly direction along the north line of Bellevue Avenue to the east property line extended of parcel N000-2176-028 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said property line being 125 feet more or less west of the west line of Chevy Chase Street; thence in a southerly direction along said property line extended 350 feet more or less to the north property line of parcel N000-2176-025 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); thence in an easterly direction along said property line 125 feet more or less to the west line of Chevy Chase Street; thence in a southerly direction along the west line of Chevy Chase Street 150.24 feet more or less to the south property line of parcel N000-2176-025 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes); thence in a westerly direction along said property line 175.18 feet more or less to the west line of an 18-foot north-south alley between Chevy Chase Street and Hermitage Road; thence in a southerly direction along said line extended to the south line of Nottoway Avenue; thence in an easterly direction along the south line of Nottoway Avenue 50.08 feet more or less to the west line of an 18-foot north-south alley east of Hermitage Road; thence in a southerly direction along the west line extended of said alley to the south line of Claremont Avenue; thence in an easterly direction along the south line of Claremont Avenue 101.08 feet more or less to the west line of an 18-foot north-south alley east of Hermitage Road; thence in a southerly direction along the west line of said alley to the south line of an 18-foot east-west alley between Claremont Avenue and Laburnum Avenue; thence in an easterly direction along said line 162 feet more or less to the west line of Monticello Avenue; thence in a southerly direction along the west line of Monticello Avenue to the north line of Laburnum Avenue; thence along the north line of Laburnum Avenue to the east line of Hermitage Road; thence in a southerly direction along the east line of Hermitage Road to the south line of Laburnum Avenue; thence in a westerly direction along the south line of Laburnum Avenue to the point of beginning.

Jackson Ward Old and Historic District

The boundaries of such district are as follows: beginning at the intersection of the west line of Smith Street and the north line extended of an east-west alley between West Marshall Street and West Broad Street; thence in a northerly direction along the west line of Smith Street to the south line extended of Catherine Street; thence in an easterly direction along the south line extended of Catherine Street to the east line of North Monroe Street; thence in a northerly direction along the east line of North Monroe Street to the northeast line of Brook Road; thence in a northerly direction along the east line of Brook Road to the south line of West Leigh Street; thence in an easterly direction along the south line of West Leigh Street 20 feet more or less to the east property line extended of parcel N000-0210-040 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes); thence in a northerly direction along said property line extended to the north line of the southernmost east-west alley between West Leigh Street and West Duval Street; thence in an easterly direction along the said line to a point at the terminus of the alley, said point being 110.00 feet more or less east of the east line of Judah Street; thence in a northerly direction along the east property line of parcel N000-0184-034 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes), 24 feet more or less to the north line extended of an east-west alley between West Leigh Street and West Duval Street; thence in an easterly direction along said line to the west line of St. Peter Street; thence in a northerly direction along the west line of St. Peter Street to the north line extended of West Jackson Street; thence in an easterly direction along the north line extended of West Jackson Street to the east line of Price Street; thence in a southerly direction along the east line of Price Street to the northeast line of Chamberlayne Parkway; thence in a southerly direction along the northeast line of Chamberlayne Parkway to a point, said point being at the intersection of the north line of West Leigh Street and the west property line of parcel N000-0104-039 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes); thence in a northerly direction along said property line extended to the north line of Ceto Alley; thence in an easterly direction along the north line of said alley to the west line of St. James Street; thence in a northerly direction along the west line of St. James Street to the north line of West Jackson Street; thence in an easterly direction along the north line of East Jackson Street to the east line extended of a north-south alley between North First Street and North Second Street; thence in a southerly direction along said line to the north line of an east-west alley between East Jackson Street and East Leigh Street; thence in an easterly direction along said line to the west line of North Second Street; thence in a southerly direction along the west line of North Second Street to a point at the north property line of parcel N000-0062-013 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes), said point being 100 feet more or less south of the south line of East Leigh Street; thence in a westerly direction along said property line to the east line of a north-south alley between North Second Street and North First Street; thence in a southerly direction along said line to the north line of an east-west alley between East Leigh Street and East Clay Street; thence in an easterly direction along said line to a point at the east property line extended of parcel N000-0062-034 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes), said point being 115 feet more or less west of the west line of North Second Street; thence in a southerly direction along said property line extended to the south line of East Clay Street; thence in an easterly direction along the south line of East Clay Street to a point at the east property line of parcel N000-0061-010 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes), said point being 42.50 feet more or less west of the west line of North Second Street; thence in a southerly direction along said property line extended to the south line of the northernmost east-west alley between East Clay Street and East Marshall Street; thence in a westerly direction along said line to the east property line of parcel N000-0061-006 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes); thence in a southerly direction along said property line extended to the south line of the southernmost east-west alley between East Clay Street and East Marshall Street; thence in a westerly direction along said line extended to a point at the east property line of parcel N000-0077-055 (as assigned by the assessor of the city, as of March 9, 1987, for tax purposes), said point being 75.5 feet more or less east of the east line of North Adams Street; thence southerly along said property line extended to a point on the south line of West Marshall Street, said point being 75.5 feet more or less east of the east line of North Adams Street; thence in a westerly direction along the south line of West Marshall Street to the east line of North Madison Street; thence in a southerly direction along the east line of North Madison Street to the north line of an east-west alley between West Marshall Street and West Broad Street; thence in a westerly direction along said line to the point of beginning.

Jefferson Hotel Old and Historic District
(30 West Main Street)

The boundaries of such district are as follows: beginning at the point of intersection of the north line of West Main Street and the east line of North Jefferson Street; thence in a northerly direction along the east line of North Jefferson Street to the south line of West Franklin Street; thence in an easterly direction along the south line of West Franklin Street to the west line of North Adams Street; thence in a southerly direction along the west line of North Adams Street to the north line of West Main Street; thence in a westerly direction along the north line of West Main Street to the point of beginning.

John Marshall House Old and Historic District
(818 East Marshall Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of East Marshall Street and the west line of North Ninth Street; thence in a westerly direction along the north line of East Marshall Street 130 feet more or less to a point; thence in a northerly direction along a line 161 feet more or less to a point; thence in an easterly direction 130 feet more or less along a line to a point on the west line of North Ninth Street; thence in a southerly direction 161 feet more or less along the west line of North Ninth Street to the point of beginning.

Leigh Street Baptist Church Old and Historic District
(East Leigh and Twenty-Fifth Streets)

The boundaries of such district are as follows: beginning at the intersection of the east line of North Twenty-Fifth Street and the south line of West Leigh Street; thence in a southerly direction along the east line of North Twenty-Fifth Street 196 feet more or less to a point; thence along a line parallel with the south line of East Leigh Street in an easterly direction 125 feet more or less to the west line of a north-south alley between North Twenty-Fifth Street and North Twenty-Sixth Street; thence in a northerly direction 196 feet more or less along said line to the south line of West Leigh Street; thence in a westerly direction 125 feet more or less along the south line of West Leigh Street to the point of beginning.

Linden Row Old and Historic District
(100-30 East Franklin Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of East Franklin Street and the east line of North First Street; thence in an easterly direction along the north line of East Franklin Street 210.32 feet more or less to a point on the east property line of parcel W000-0063-017 (as assigned by the assessor of the city, as of May 11, 1970, for tax purposes); thence in a northerly direction along a line parallel with North First Street 153 feet more or less to the south line of an east-west alley between East Grace Street and East Franklin Street; thence in a westerly direction along said line to the east line of North First Street; thence in a southerly direction along the east line of North First Street to the point of beginning.

Mason's Hall Old and Historic District
(1807 West Franklin Street)

The Mason's Hall Old and Historic District shall consist of the following properties, identified by street address and by tax parcel number in the 2017 records of the City Assessor: **1807 East Franklin Street (E000-0132/001)**. (Code 1993, § 30-930.5; Ord. No. 2017-072, § 1, 4-10-2017)

Mayo Memorial House Old and Historic District
(110 West Franklin Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of West Franklin Street and the west line of North Jefferson Street; thence in an easterly direction along the north line of West Franklin Street 100.50 feet more or less to a point; thence in a northerly direction along a line parallel with the east line of North Jefferson Street 194.35 feet more or less to a point; thence in a westerly direction along a line parallel with the north line of West Franklin Street to the east line of North Jefferson Street; thence in a southerly direction along the east line of North Jefferson Street to the point of beginning.

Monument Avenue Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the west line of Roseneath Road and the north line extended of an east-west alley between West Grace Street and Monument Avenue; thence in an easterly direction along the north line of said alley to a point, at the west property line of parcel W000-1129-010 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 61 feet more or less west of the west line of North Davis Avenue; thence in a northerly direction along said line extended to the north line of West Grace Street; thence in an easterly direction along the north line of West Grace Street to a point at the west property line of parcel W000-1130-014 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 32 feet more or less west of the west line of North Davis Avenue; thence in a northerly direction along said property line to the south line of an east-west alley between West Grace Street and West Broad Street; thence in an easterly direction along said line extended to the east line of North Davis Avenue; thence in a southerly direction along the east line of North Davis Avenue to a point at the north property line of parcel W000-1048-057 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 101.5 feet more or less north of the north line of West Grace Street; thence in an easterly direction along said property line to a point on the east property line of said parcel, said point being 31.40 feet more or less east of the east line of North Davis Avenue; thence in a southerly direction along said property line extended to the south line of West Grace Street; thence in an easterly direction along the south line of West Grace Street to a point at the east property line of parcel W000-1087-001 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 33 feet more or less east of the east line of North Davis Avenue; thence in a southerly direction along said property line to the north line of an east-west alley between West Grace Street and Monument Avenue; thence in an easterly direction along said line to a point at the west property line of parcel W000-0862-025, said point being 112 feet more or less west of the west line of North Allen Avenue; thence in a northerly direction along said line extended to a point at the west property line of parcel W000-0821-028 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes); thence in a northerly direction along said line to the south line of a 14-foot east-west alley between West Grace Street and West Broad Street; thence in an easterly direction along said line to the west line of North Allen Avenue; thence in a northerly direction along the west line of North Allen Avenue to the south line of West Broad Street; thence in an easterly direction along the south line of West Broad Street to the east line of North Allen Avenue; thence in a southerly direction along the east line of North Allen Avenue to the south line of a 14-foot east-west alley between West Broad Street and West Grace Street; thence in an easterly direction along said line to a point at the east property line of parcel W000-0736-066 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 28 feet more or less east of the east line of North Allen Avenue; thence in a southerly direction along said property line to the north line of West Grace Street; thence in an easterly direction along the north line of West Grace Street to a point at the east property line extended of parcel W000-0735-001 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 140 feet more or less east of the east line of North Allen Avenue; thence in a southerly direction along said property line extended to the north line of an east-west alley between West Grace Street and Monument Avenue/West Franklin Street; thence in an easterly direction along said line to a point on the east property line extended of parcel W000-0614-026 (as assigned by the assessor of the city, as of February 23, 1971, for tax purposes), said point being 223 feet more or less west of the west line of Ryland Street; thence in a southerly direction along said east property line extended to the south line of West Franklin Street; thence westerly along the south line of West Franklin Street to the east line of Birch Street; thence in a southerly direction along the east line of Birch Street to the south line extended of an east-west alley between West Franklin Street and West Avenue; thence in a westerly direction along said line to the west line extended of a 20-foot north-south alley between Birch Street and North Lombardy Street; thence in a northerly direction a distance of 14.55 feet more or less along said line to a point 150 feet south of the south line of West Franklin Street; thence in a westerly direction along a line parallel to the south line of West Franklin Street from said point to the east line of North Lombardy Street (Stuart Circle); thence in a southerly direction along the east line of North Lombardy Street to the south line extended of the southernmost east-west alley between Monument Avenue and Park Avenue; thence in a westerly direction along said line to the west line of the westernmost north-south alley between North Lombardy Street and North Allen Avenue; thence in a southerly direction along said line to the south line of the southernmost east-west alley between Monument Avenue and Park Avenue; thence in a westerly direction along said line to a point at the east property line extended of parcel W000-0666-001 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 134 feet more or less east of the east line of North Allen Avenue; thence in a southerly direction along said line extended to the south line of Park Avenue; thence in a westerly direction along the south line of Park Avenue to the west line of North Allen Avenue; thence in a southerly direction along the west line of North Allen Avenue to the north line of the northernmost east-west alley between Park Avenue and Hanover Avenue; thence in a westerly direction along said line 99.58 feet more or less to a point at the west property line of parcel W000-0818-010 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes); thence in a northerly direction along said property line extended to a point on the north line of Park Avenue; thence in a westerly direction along the north line of Park Avenue to a point on the east line of the easternmost north-south alley between North Allen Avenue and North Meadow Street, said point being 123 feet more or less west of the west line of North Allen Avenue; thence in a northerly direction along said line to the south line of the southernmost east-west alley between Park Avenue and Monument Avenue; thence in a westerly direction along said line to the east line extended of a 20-foot north-south alley between North Allen Avenue and North Meadow Street; thence in a northerly direction along said line to the south line of the northernmost east-west alley between Monument Avenue and Park Avenue; thence in a westerly direction along the south line of a series of east-west alleys between Monument Avenue and Park Avenue to the west line of a 10-foot north-south alley between Strawberry Street and North Davis Avenue; thence in a southerly direction along said line extended to the south line of Park Avenue; thence in a westerly direction along the south line of Park Avenue to the east line of North Davis Avenue; thence in a southerly direction along the east line of North Davis Avenue to the north line extended of a 10-foot east-west alley between Park Avenue and Kensington Avenue; thence in a westerly direction along said line extended to a point at the western property line of parcel W000-1127-013 (as assigned by the

assessor of the city, as of May 29, 1990, for tax purposes), said point being 74 feet more or less west of the west line of North Davis Avenue; thence in a northerly direction along said property line to the south line of Park Avenue; thence in a westerly direction along the south line of Park Avenue to a point at the west property line extended of parcel W000-1128-007 (as assigned by the assessor of the city, as of May 29, 1990, for tax purposes), said point being 157 feet more or less east of the east line of North Robinson Street; thence in a northerly direction along said property line extended to a point, said point being 150 feet south of the south line of Monument Avenue; thence in a westerly direction along a line parallel to the south line of Monument Avenue to the east line of North Robinson Street; thence in a southerly direction along the east line of North Robinson Street to the south line extended of an east-west alley between Monument Avenue and Park Avenue; thence in a westerly direction along said line extended to the west line of North Mulberry Street; thence in a northerly direction along the west line of North Mulberry Street 11 feet more or less to a point, said point being 150 feet south of the south line of Monument Avenue; thence in a westerly direction along a line parallel to the south line of Monument Avenue to the west line of North Boulevard; thence in a northerly direction along the west line of North Boulevard to a point on the south property line of parcel W000-1250-004 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes), said point being 121 feet more or less south of the south line of Monument Avenue; thence in a westerly direction along said line and the south property line of parcel W000-1250-020 (as assigned by the assessor of the city, as of November 14, 1988, for tax purposes) to the east line of a 15.33-foot north-south alley between North Boulevard and North Colonial Avenue; thence in a southerly direction along said line to the south line extended of the northernmost east-west alley between Monument Avenue and Park Avenue; thence in a westerly direction along said line as it meanders to the west line of Cleveland Street; thence in a northerly direction along the west line of Cleveland Street to the south line of a 16-foot east-west alley between Monument Avenue and West Franklin Street, said alley being parallel to West Franklin Street; thence in a westerly direction along said line to the south line extended of the northernmost east-west alley between Monument Avenue and West Franklin Street, said alley line being parallel to Monument Avenue; thence in a westerly direction along said line extended to the west line of Roseneath Road; thence in a northerly direction along the west line of Roseneath Road to the point of beginning.

William W. Morien House Old and Historic District
(2226 West Main Street)

The boundaries of such district are as follows: beginning at a point on West Main Street, said point being 54 feet more or less east of the east line of Strawberry Street; thence in an easterly direction along the north line of West Main Street 50 feet more or less to the east property line of parcel W000-0996-031 (as assigned by the assessor of the city, as of May 9, 1983, for tax purposes); thence in a northerly direction along said property line 125 feet more or less to the south line of the southernmost east-west alley between Floyd Avenue and West Main Street; thence in a westerly direction along said line to a point on the west property line of parcel W000-0996-031, said point being 54.50 feet more or less east of the east line of Strawberry Street; thence in a southerly direction along said property line to the point of beginning.

Norman Stewart House Old and Historic District
(707 East Franklin Street)

The boundaries of such district are as follows: beginning at a point on the south line of East Franklin Street, said point being 79.08 feet more or less east of the east line of North Seventh Street; thence in an easterly direction along the south line of East Franklin Street 52.50 feet more or less to a point; thence in a southerly direction 153.02 feet more or less to a point on the north line of Travellers Alley, said point being 132 feet more or less east of the east line of North Seventh Street; thence in a westerly direction 52 feet more or less along the north line of Travellers Alley to a point, said point being 79.08 feet more or less east of the east line of North Seventh Street; thence in a northerly direction 153 feet more or less along a line to the point of beginning.

Old Stone House Old and Historic District
(1916 East Main Street)

The boundaries of such district are as follows: beginning at a point on the north line of East Main Street, said point being 66 feet more or less west of the west line of North Twentieth Street; thence in a westerly direction along the north line of East Main Street 32 feet more or less to a point; thence in a northerly direction along a line 155 feet more or less to a point on the south line of Rose Alley, said point being 98 feet more or less west of the west line of North Twentieth Street; thence in an easterly direction 32 feet more or less along the south line of Rose Alley to a point, said point being 66 feet more or less west of the west line of North Twentieth Street; thence in a southerly direction 155 feet more or less along a line to the point of beginning.

Pace House Old and Historic District
(100 West Franklin Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of West Franklin Street and the west line of North Adams Street; thence in a westerly direction along the north line of West Franklin Street 60.5 feet more or less to a point on the west property line of parcel W000-0126-011 (as assigned by the assessor of the city, as of October 28, 1985, for tax purposes); thence in a northerly direction along said property line parallel with the west line of North Adams Street 184.14 feet more or less to the south line of a private alley between West Grace Street and West Franklin Street; thence in an easterly direction along said line to the west line of North Adams Street; thence in a southerly direction along the west line of North Adams Street to the point of beginning.

St. Andrew's Episcopal Church Old and Historic District
(Northwest corner South Laurel Street and Idlewood Avenue)

The boundaries of such district are as follows: beginning at the intersection of the west line of South Laurel Street and north line of Idlewood Avenue; thence in a northerly direction along the west line of South Laurel Street 82 feet more or less to a point on the north property line of parcel W000-0252-020 (as assigned by the assessor of the city, as of January 9, 1978, for tax purposes); thence in a westerly direction along said property line 139 feet more or less to the east line of a north-south alley between South Cherry Street and South Laurel Street; thence in a southerly direction along said line to the north line of Idlewood Avenue; thence in an easterly direction along the north line of Idlewood Avenue to the point of beginning.

St. John's Church Old and Historic District

The boundaries of such district are as follows: beginning at the intersection of the east line of North Twenty-Second Street extended with the north line of East Franklin Street; thence in a westerly direction along the north line of East Franklin Street to the east line of North Twenty-First Street; thence in a northerly direction along the east line of North Twenty-First Street to the south line of the southernmost east-west alley between East Broad Street and East Marshall Street; thence in an easterly direction along said line to the east line of the easternmost north-south alley between North Twenty-First Street and North Twenty-Second Street; thence in a northerly direction along said line to the south line of a 15-foot east-west alley between East Broad Street and East Marshall Street; thence in an easterly direction along said line to the west line of North Twenty-Second Street; thence in a southeasterly direction across North Twenty-Second Street to the north line of an east-west alley between East Broad Street and East Marshall Street; thence in an easterly direction along said line to the west line of North Twenty-Third Street; thence in a northerly direction along the west line of North Twenty-Third Street to the south line of East Marshall Street; thence in an easterly direction along the south line of East Marshall Street to the west line of North Twenty-Fifth Street; thence in a southerly direction along the west line of North Twenty-Fifth Street to a point, said point being midway between the north line of East Broad Street and the south line of East Marshall Street; thence in an easterly direction along a line parallel with East Broad Street to the west line of North Twenty-Ninth Street at a point, said point being midway between the north line of East Broad Street and the south line of East Marshall Street; thence in a northerly direction along the west line of North Twenty-Ninth Street to the south line of East Marshall Street; thence in an easterly direction along the south line of East Marshall Street to the east line of North Thirty-First Street; thence in a northerly direction along the east line of North Thirty-First Street to the south line of an east-west alley between East Marshall Street and East Clay Street; thence in an easterly direction along said line to the west line of North Thirty-Second Street; thence in a southerly direction along the west line of North Thirty-Second Street to the north line of East Grace Street; thence in a southeasterly direction along the western edge of the westernmost roadway in Chimborazo Park 400 feet more or less to a point; thence in a southwesterly direction a distance of 700 feet more or less to the intersection of the south line of Libby Terrace and the west line of South Thirty-First Street; thence in a southerly direction along the west line of South Thirty-First Street to the north line of Williamsburg Avenue; thence in a westerly direction along the north line of Williamsburg Avenue to its intersection with the north line of East Main Street; thence in a northwesterly direction along the north line of East Main Street to a point, said point being 140 feet more or less east of the east line of North Twenty-Seventh Street; thence in a northerly direction along a line parallel to the east line of North Twenty-Seventh Street to a point, said point being midway between the south line of East Franklin Street and the north line of East Main Street; thence in a westerly direction along a line parallel with the south line of East Franklin Street to a point on the east line of North Twenty-Second Street, said point being midway between the south line of East Franklin Street and the north line of East Main Street; thence in a northerly direction along the east line of North Twenty-Second Street to the point of beginning.

St. Paul's Episcopal Church Old and Historic District
(815 East Grace Street)

The boundaries of such district are as follows: beginning at the intersection of the south line of East Grace Street and the west line of North Ninth Street; thence in a westerly direction 67.50 feet more or less to a point; thence in a southerly direction along a line parallel with the west line of North Ninth Street 146.77 feet more or less to the north line of an alley between East Grace Street and East Franklin Street; thence in an easterly direction 67.50 feet more or less to the west line of North Ninth Street; thence in a northerly direction 146.77 feet more or less along the west line of North Ninth Street to the point of beginning.

St. Peter's Catholic Church Old and Historic District
(800 East Grace Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of East Grace Street and the east line of North Eighth Street; thence in an easterly direction along the north line of East Grace Street 65 feet more or less to a point; thence in a northerly direction along a line parallel with the east line of North Eighth Street 163.17 feet more or less to a point; thence in a westerly direction 65 feet more or less to the east line of North Eighth Street; thence in a southerly direction 163.17 feet more or less along the east line of North Eighth Street to the point of beginning.

Second Presbyterian Church Old and Historic District
(9 North Fifth Street)

The boundaries of such district are as follows: beginning at a point on the east line of North Fifth Street, said point being 54.29 feet more or less north of the north line of East Main Street; thence in a northerly direction along the east line of North Fifth Street 108.83 feet more or less to a point; thence in an easterly direction 130.96 feet more or less to the west line of a north-south alley between North Fifth Street and North Sixth Street; thence in a southerly direction along said line to a point 54.29 feet more or less north of the north line of East Main Street; thence in a westerly direction along a line to the point of beginning.

Shockoe Slip Old and Historic District

The boundaries of such district are as follows: beginning at the intersection of the north right-of-way line of the Richmond Metropolitan Authority Downtown Expressway and the east line of South Twelfth Street; thence in a northerly direction along the east line of South Twelfth Street to the south line of East Main Street; thence in an easterly direction along the south line of East Main Street to the west line of South Fifteenth Street; thence in a southerly direction along the west line of South Fifteenth Street to the south line extended of an east-west 14.21-foot alley between East Main Street and East Cary Street; thence 187 feet more or less in an easterly direction along said line extended to a point at the west line of a north-south overhead railway trestle; thence 600 feet more or less in a southerly direction along the west line of the overhead railway trestle to a point at the intersection of the west line of the overhead railway trestle and the north line of Dock Street; thence in a westerly direction along the north line of Dock Street extended to the west line of South Fourteenth Street; thence 25 feet more or less in a southerly direction along the west line of South Fourteenth Street to the south property line of parcel E000-0069-001a (as assigned by the assessor of the city, as of February 8, 1999 for tax purposes); thence in a westerly direction along said property line and the south property line of parcel E000-0069-001b extended to the west line of Virginia Street; thence in a southerly direction along the west line of Virginia Street to the south property line of 140 Virginia Street, said line being 80.12 feet more or less south of the south line of Pope's Alley; thence in a westerly direction along the south building line extended in a westerly direction as it meanders to the west property line of 140 Virginia Street; thence in a northerly direction along said line extended to the north right-of-way line of the Richmond Metropolitan Authority Downtown Expressway; thence in a westerly direction along the north right-of-way line of the Richmond Metropolitan Authority Downtown Expressway as it meanders to the point of beginning.

Shockoe Valley Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the east line of North Eighteenth Street with the south line of East Broad Street; thence in an easterly direction along the south line of East Broad Street to the east line of North Nineteenth Street; thence in a northerly direction along the east line of North Nineteenth Street to the south line of East Marshall Street; thence in an easterly direction along the south line of East Marshall Street to the east line of North Twenty-First Street; thence in a southerly direction along the east line of North Twenty-First Street to the north line of East Franklin Street; thence in a westerly direction along the north line of East Franklin Street to the east line of North Eighteenth Street; thence in a northerly direction along the east line of North Eighteenth Street to the point of beginning.

Sixth Mount Zion Baptist Church Old and Historic District
(12-14 West Duval Street)

The boundaries of such district are as follows: beginning at the intersection of the west ling of North First Street and the north line of East Duval Street; thence in a westerly direction along the north line of East and West Duval Streets, which is also the south property lines of parcels N000-0106-040, N000-0106-026, and N000-0106-039 (as assigned by the assessor of the city, as of April 26, 2004, for tax purposes); 962 feet more or less to a point at the southwest corner of parcel N000-0106-039; thence in a northerly direction along a line perpendicular with the north line of West Duval Street 40 feet more or less to the northwest corner of said parcel; thence in a easterly direction along the north property line to the northeast corner of said parcel, which is also a point on the west property of parcel N000-0106-026; said point 70 feet more or less along a line perpendicular with the north line of West Duval Street; thence in a northerly direction along the west property to the northwest corner of said parcel; thence in a easterly direction, then southeasterly direction along the north property line to the northeast corner of said parcel, thence in a southerly direction along the east property line to a point, which is also the northwest corner of parcel N000-0106-040; said point 99 feet more or less along a line perpendicular with the north line of West Duval Street; thence in a easterly direction along the north property line to the northeast corner of said parcel, which is also on the west line of North First Street; thence in a southerly direction along the west line of North First Street 12 feet more or less to the point of beginning.

*Springhill Old and Historic District**

The boundaries of such district are as follows: Beginning at the point of intersection of the north right-of-way line of Semmes Avenue and the east right-of-way line of the north-south alley between West 22nd Street and West 24th Street (West 23rd Street being nonexistent); thence in a northerly direction along said east right-of-way line approximately two and one-half blocks to the south right-of-way line of the northernmost east-west alley between Riverside Drive and Semmes Avenue; thence in an easterly direction along said south right-of-way line to the west property line of parcel S000-0500/035 (as assigned by the assessor of the city, as of July 11, 2005, for tax purposes); thence in a northerly direction along said west property line to the south right-of-way line of Riverside Drive; thence in a curving line in an easterly direction along said south right-of-way line approximately two blocks to the west right-of-way line of West 21st Street; thence in a southerly direction along said west right-of-way line to the south right-of-way line of Stonewall Avenue; thence in an easterly direction along said south right-of-way line approximately two and one-half blocks to the west right-of-way line of the north-south alley between West 19th Street and Cowardin Avenue; thence in a southerly direction along the west right-of-way lines of a series of north-south alleys between West 19th Street and Cowardin Avenue approximately one and one-half blocks to the south property line of parcel S000-0249/017 (as assigned by the assessor of the city, as of July 11, 2005, for tax purposes); thence in a westerly direction along said south property line extended, across West 19th Street, to the southeast corner of parcel S000-0302/006 (as assigned by the assessor of the city, as of July 11, 2005, for tax purposes); thence in a westerly direction along the north right-of-way lines of a series of east-west alleys between Spring Hill Avenue and Semmes Avenue approximately three and one-half blocks to the east property line of parcel S000-050/030 (as assigned by the assessor of the city, as of July 11, 2005, for tax purposes); thence in a southerly direction along said east property line to the south property line of said parcel; thence in a westerly direction along said south property line to the east property line of parcel S000-0500/028 (as assigned by the assessor of the city, as of July 11, 2005, for tax purposes); thence in a southerly direction along said east property line to the north right-of-way line of Semmes Avenue; thence in a westerly direction along said north right-of-way line to the point of beginning.

***Editor's Note:** Ord. No. 2005-256-227, adopted October 24, 2005, provided that no conditions attached to a certificate of appropriateness issued by the Commission of Architectural Review shall deny any owners of property classified as of October 24, 2005 as R-73 Multifamily Residential in the Springhill Old and Historic District the right to construct multifamily buildings as set forth in section 30-420.8 of this Code.

Stonewall Jackson School Old and Historic District
(1520 West Main Street)

The boundaries of such district are as follows: beginning at the intersection of the north line of West Main Street and the east line of North Lombardy Street; thence in a northerly direction along the east line of North Lombardy Street to the south line of the southernmost east-west alley between Floyd Avenue and West Main Street; thence in an easterly direction along said line 171.01 feet more or less to a point on the east property line of parcel W000-0607-036 (as assigned by the assessor of the city, as of July 11, 1983, for tax purposes); thence in a southerly direction along said property line and the east property line of parcel W000-0607-037 (as assigned by the assessor of the city, as of July 11, 1983, for tax purposes) 179.75 feet more or less to the north line of West Main Street; thence in a westerly direction along the north line of West Main Street to the point of beginning.

Talavera Old and Historic District
(2315 West Grace Street)

The boundaries of such district are as follows: beginning at a point on the south line of West Grace Street at the west property line of parcel W000-1087-016 (as assigned by the assessor of the city, as of September 22, 1986, for tax purposes), thence in a westerly direction along the south line of West Grace Street 59 feet more or less to a point on the west property line of said parcel; thence in a southerly direction along said property line to a point on the north line of an east-west alley between West Grace Street and Monument Avenue; thence in a westerly direction 59 feet more or less along said line to a point on the east property line of said parcel; thence in a northerly direction along said property line to the point of beginning.

The Two Hundred Block West Franklin Street Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the west line of North Madison Street and the north line extended of an east-west alley between West Grace and West Franklin Streets; thence in an easterly direction along said line extended to the east line of North Jefferson Street; thence in a southerly direction along the east line of North Jefferson Street to the south line extended of an east-west alley between West Franklin Street and West Main Street; thence in a westerly direction along said line to a point on the east property line of parcel W000-0146-017 (as assigned by the assessor of the city, as of September 24, 1990, for tax purposes), said point being 104 feet more or less east of the east line of North Madison Street; thence in a southerly direction along said property line to the north line of West Main Street; thence in a westerly direction along the north line of West Main Street to the west line of North Madison Street; thence in a northerly direction along the west line of North Madison Street to the point of beginning.

Valentine Museum and Wickham-Valentine House Old and Historic District
(1005-1015 East Clay Street)

The boundaries of such district are as follows: beginning at the intersection of the south line of East Clay Street and the east line of North Tenth Street; thence in a southerly direction along the east line of North Tenth Street 172.44 feet more or less to the north line extended of an east-west alley between East Clay Street and East Marshall Street; thence in an easterly direction along said line extended to the west line of North Eleventh Street; thence in a northerly direction 172.44 feet more or less along the west line of North Eleventh Street to the south line of East Clay Street; thence in a westerly direction along the south line of East Clay Street to the point of beginning.

Virginia House Old and Historic District
(4301 Mulgrave Road)

The boundaries of such district are as follows: beginning at the intersection of the south line of Mulgrave Road and the west line of Arthur's Seat (Wakefield Road extended), thence in a southerly direction 181 feet more or less along the west line of Arthur's Seat to a point on the south line of parcel W022-0385-001 (as assigned by the assessor of the city, as of May 11, 1970, for tax purposes); thence in a westerly direction 184 feet more or less along said property line to a point on the west property line of said parcel; thence in a northerly direction along said property line 221 feet more or less to the south line of Mulgrave Road; thence in an easterly direction along the south line of Mulgrave Road to the point of beginning.

West Franklin Street Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the west line of North Harrison Street and the south line of an east-west alley between West Franklin Street and West Avenue; thence in a westerly direction along the said line to the east line of Birch Street; thence in a northerly direction along the east line of Birch Street to the south line of West Franklin Street; thence in an easterly direction along the south line of West Franklin Street to a point on the west property line extended of parcel W000-0614-025 (as assigned by the assessor of the city, as of November 12, 1990, for tax purposes), said point being 223 feet more or less west of the west line of Ryland Street; thence in a northerly direction along said property line extended to the north line of an alley between West Franklin Street and West Grace Street; thence in an easterly direction along said line to the west line of North Harrison Street; thence in a southerly direction along the west line of North Harrison Street to the point of beginning.

West Grace Street Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the east line of Ryland Street and the north line extended of an east-west alley between West Broad Street and West Grace Street; thence in a southerly direction along said east line across West Grace Street to the north line extended of an east-west alley between West Grace Street and West Franklin Street/Monument Avenue; thence in a westerly direction along said north line to the west line of a 10-foot north-south private alley, said west line being 90.03 feet more or less east of the east line of North Boulevard; thence in a northerly direction 57.5 feet more or less along said west line to the south line of an east-west private alley; thence in a westerly direction 10.0 feet more or less along said south line to the west property line extended of parcel W000-1210/003 (as assigned by the assessor of the city, as of June 24, 1996, for tax purposes); thence in a northerly direction along said west property line to the south line of West Grace Street; said west property line being 110.78 feet more or less east of the east line of North Boulevard; thence in a northwesterly direction across West Grace Street to the intersection of the north line of West Grace Street and the west property line of parcel W000-1214/046 (as assigned by the assessor of the city, as of June 24, 1996, for tax purposes); said line being 71.67 feet more or less east of the east line of North Boulevard; thence in a northerly direction along said west property line extended to the north line of an east-west alley between West Broad Street and West Grace Street; thence in an easterly direction along said north line extended to the east line of Ryland Street, the point of beginning.

White House of the Confederacy Old and Historic District
(1200 East Clay Street)

The boundaries of such district are as follows: beginning at the intersection of the south line of East Clay Street and the east line of North Twelfth Street; thence in an easterly direction along the south line of East Clay Street S54°09'11"E 101.30 feet to a point; thence in a southerly direction S36°42'02" W 60.35 feet to a point, being a point of curvature; thence along an arc 33.76 feet along a curve deflecting to the right with a radius of 20.00 feet, a central angle of 96°42'56", and a chord bearing and distance of S85°03'28"W 29.89 feet, to a point; thence S36°30'32"W 42.82 feet to a point; thence N53°29'28"W 2.97 feet; thence S36°40'52"W 5.51 feet to a point; thence N53°19'08"W 48.15 feet to a point; thence S36°21'23"W 5.42 feet to a point; thence in a westerly direction N53°07'02"W 27.51 feet to a point lying on the east line of North Twelfth Street; thence in a northerly direction along the east line of North Twelfth Street N36°29'04"E 132.40 feet to the point of beginning.(Ord. No. 2018-181, §1, 7-23-2018)

Wilton Old and Historic District
(215 South Wilton Road)

The boundaries of such district are as follows: beginning at a point on the southern terminus line of South Wilton Road, said point being 30 feet more or less east of the terminus of the west line of South Wilton Road, said point also being at the west property line of parcel W022-0127-001 (as assigned by the assessor of the city, as of April 15, 1985, for tax purposes); thence in an easterly direction along the southern terminus line of South Wilton Road and the north property line of said parcel extended 230 feet more or less to a point on the east property line of said parcel; thence in a southerly direction along said property line 458 feet more or less to a point on the south property line of said parcel; thence in a westerly direction along said property line to a point on the west property line of said parcel; thence in a northerly direction along said property line 428.50 feet more or less to the point of beginning.

Joseph P. Winston House Old and Historic District
(103 East Grace Street)

The boundaries of such district are as follows: beginning at the intersection of the east line of North First Street and the south line of East Grace Street; thence in an easterly direction along the south line of East Grace Street 64 feet more or less to the east property line of parcel W000-0063-002 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes); thence in a southerly direction along said property line to a point on the south line of an east-west alley

between East Grace Street and East Franklin Street, said point being 64 feet more or less east of the east line of North First Street; thence in a westerly direction along said line to the east line of North First Street; thence in a northerly direction along the east line of North First Street to the point of beginning.

Woodward House-Rocketts Old and Historic District
(3017 Williamsburg Avenue)

The boundaries of such district are as follows: beginning at the intersection of the north line of East Main Street with the south line of Williamsburg Avenue; thence in an easterly direction along the south line of Williamsburg Avenue 834.06 feet more or less to a point on the east property line of parcel E000-0584-001 (as assigned by the assessor of the city, as of January 9, 1978, for tax purposes); thence in a southerly direction along said property line 35.83 feet more or less to the Southern Railway right-of-way; thence in a westerly direction along the Southern Railway right-of-way to a point; thence in a northerly direction along said right-of-way 49.30 feet more or less to a point; thence in a westerly direction along said right-of-way 148 feet more or less to the north line of East Main Street; thence in a northwesterly direction along the north line of East Main Street 96.24 feet more or less to the point of beginning.

Zero Blocks East and West Franklin Street Old and Historic District

The boundaries of such district are as follows: beginning at the point of intersection of the south line of West Main Street and the west line of North Adams Street; thence in a northerly direction along the west line of North Adams Street to the north line extended of a 15.16-foot east-west alley between West Franklin Street and West Grace Street; thence in an easterly direction along said line extended to the east line of North Foushee Street; thence in a northerly direction along the east line of North Foushee Street 64.50 feet more or less to the south line of a 10-foot east-west alley south of East Grace Street; thence in an easterly direction along said line 60.67 feet more or less to the east property line of parcel W000-0083-026 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes); thence in a southerly direction along said property line and the east property line of parcel W000-0083-024 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes) to the north line of a 14.59-foot east-west alley between East Franklin Street and East Grace Street; thence in an easterly direction along said line 137.61 feet more or less to the west property line of parcel W000-0083-010 (as assigned by the assessor of the city, as of March 23, 1987, for tax purposes); thence in a northerly direction along said property line to the south line of East Grace Street; thence in an easterly direction along the south line of East Grace Street to the east line of North First Street; thence in a southerly direction along the east line of North First Street to the south line of East Main Street; thence in a westerly direction along the south line of East Main Street to the point of beginning; but excepting from the above-described land, two parcels known, numbered and designated as 1 and 3 East Franklin Street, said parcels being more particularly described as follows: 1 East Franklin Street: beginning at the point of intersection of the eastern line of Foushee Street with the southern line of Franklin Street; thence extending along the southern line of Franklin Street south 53 degrees 00 minutes east 35.62 feet to a cross in the pavement on the southern line of Franklin Street; thence extending south 37 degrees 16 minutes west 156.88 feet to a rod on the north line of an alley 16 feet, more or less, in width; thence extending along the northern line of the aforesaid alley north 52 degrees 55 minutes 24 seconds west 34.93 feet to a spike at the intersection of the north line of the aforesaid alley and the eastern line of Foushee Street; thence extending along the eastern line of Foushee Street north 37 degrees 00 minutes 45 seconds east 156.83 feet to the point and place of beginning; 3 East Franklin Street: beginning at a spike on the southern line of Franklin Street, said spike being south 53 degrees 00 minutes east a distance of 67.79 feet from the point marking the intersection of the southern line of Franklin Street and the eastern line of Foushee Street; thence extending south 37 degrees 21 minutes 20.00 seconds west 156.92 feet to a rod on the northern line of an alley 16 feet, more or less, in width; thence extending along the northern line of the aforesaid alley north 52 degrees 55 minutes 24 seconds west 31.92 feet to a rod on the northern line of the aforesaid alley; thence extending north 37 degrees 16 minutes east 156.88 feet to a point on the southern line of Franklin Street, which point is marked by a cross in the pavement; thence extending along the southern line of Franklin Street south 53 degrees 00 minutes east 32.17 feet to a spike marking the point and place of beginning.

(Code 1993, § 32-930.5; Ord. No. 2004-141-105, § 1, 5-24-2004; Ord. No. 2005-163-187, § 1, 9-12-2005; Ord. No. 2005-256-227, § 1, 10-24-2005; Ord. No. 2007-142-104, § 1, 5-29-2007)

Sec. 30-930.6. Certificate of appropriateness.

(a) *Approval required.* No building or structure or any exterior portion thereof, sign or paving shall be constructed, altered, reconstructed, repaired, restored or demolished within any old and historic district unless the building or structure or any exterior portion thereof, sign or paving is approved by the commission of architectural review or, on appeal, by the city council, as being architecturally compatible with the buildings, structures, sites and general character of the old and historic district. All such approvals shall be evidenced by a certificate of appropriateness. No permit to construct, alter, reconstruct, repair, restore or demolish any building, structure or site shall be issued by the commissioner of buildings unless the applicant has first obtained approval of a certificate of appropriateness for such work.

(b) *Submission of application.* An application for certificate of appropriateness required pursuant to this section shall be submitted to the secretary of the commission of architectural review in writing by the owner of such building or structure. When a work-in-street, land disturbing, building, sign or demolition permit is required, the applicant shall apply for other necessary permits at the same time an application for a certificate of appropriateness is submitted. The application for such certificate of appropriateness shall be accompanied by plans and specifications which shall show the proposed exterior architectural features of such building or structure, which shall include but shall not be limited to the design, arrangement, texture, materials and color proposed to be used in the construction, alteration, reconstruction, repair, restoration, or demolition of the building or structure and the type of windows, exterior doors, lights, signs, site improvements, and other exterior fixtures and appurtenances. Upon the filing of such application with the secretary of the commission, the secretary shall promptly transmit it with such plans and specifications to the commission.

(c) *Approval or disapproval of application and issuance.* Upon receipt of a completed certificate of appropriateness application pursuant to this section, the of architectural review commission shall approve or disapprove such and, if approved, shall issue a certificate of appropriateness therefor, with or without conditions or with such modifications of the plans and specifications as the commission of architectural review deems necessary to execute the purpose set forth in section 30-930.2 and to require compliance with the regulations set out in this division. Otherwise, such plans and specifications shall be deemed rejected, and the commission shall not issue a certificate of appropriateness.

(d) *Conceptual review.* Any person may request the commission of architectural review to review conceptual design proposals for exterior work before submitting a formal application for a certificate of appropriateness required pursuant to this section. The commission shall review and discuss the proposal with the applicant and make any necessary recommendations. Such conceptual review shall be advisory only.

(e) *Notification to public.* The secretary shall use the following procedures in notifying the public of cases for certificates of appropriateness being considered by the commission of architectural review:

(1) *General notification.* A concise agenda, listing all items to be reviewed by the commission of architectural review and the date, time and place of the commission meeting shall be published at least seven days prior to the meeting in a daily newspaper of general circulation in the city.

(2) *Direct notification of affected property owners.* When a certificate of appropriateness application involves a substantial impact, as defined in section 30-930.1, in an old and historic district, the property owners of all property or portions of property located within 150 feet of the project shall be notified of the prospective change and of the date, time, and place of the meeting at which such change shall be considered by the commission. Such notice shall be by regular mail and mailed at least seven days prior to the meeting.

(f) *Scope of review.* A certificate of appropriateness shall be required for all alterations to a building, structure, or site which is subject to a public view.

(g) *Reasons for commission action.* The commission of architectural review shall state clearly its reasons for approval, denial, modification, or deferral of an application for a certificate of appropriateness in the records of the commission proceedings.

(h) *Delegation of applications for review by commission secretary.* The commission of architectural review may choose to delegate certain types of applications for a certificate of appropriateness for review by the secretary. The commission shall designate such items which are subject to review and shall issue guidelines for the secretary to conduct the review. Any application for a certificate of appropriateness for any such designated design feature may be approved by the secretary of the commission without full commission action, unless the secretary finds that a particular structure has unique characteristics that may call for a different design treatment. In such cases, the secretary shall schedule the application for commission consideration at its next meeting. The secretary shall keep a record of all such approvals and shall provide the commission with a report of all new approvals at each of its regular meetings.

(i) *Normal maintenance and repair.* Nothing in this division shall be construed to prevent the normal repair and maintenance of any exterior architectural feature located in an old and historic district.

(j) *Unsafe and dangerous conditions.* Nothing in this division shall be construed to prevent the construction, reconstruction, alteration or demolition of any such building or feature which the commissioner of buildings shall determine is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the commissioner of buildings shall provide notice to the commission of architectural review.

(k) *Payment of delinquent real estate taxes.* Approval of a certificate of appropriateness pursuant to this section shall not be granted until satisfactory evidence has been presented to the secretary of the commission of architectural review that any delinquent real estate taxes applicable to the subject property have been paid.

Sec. 30-930.7. Standards and guidelines.

(a) *General standards.* The commission of architectural review shall issue a certificate of appropriateness for alterations that are compatible with a property and the old and historic district of which it is a part. Each old and historic district contains buildings of varying architectural and historic significance. The commission shall evaluate the significance of each property on a case-by-case basis. The historic character of each old and historic district shall be the primary consideration of the commission in reviewing proposed designs for the district. The commission may adopt additional standards for the review of certificates of appropriateness to supplement these standards.

(b) *Standards for rehabilitation.* The commission of architectural review shall issue a certificate of appropriateness for the rehabilitation of a property, if it determines that a proposed change is compatible with the property and with the old and historic district of which it is a part. The historic design, features, materials, finishes and craftsmanship of a property shall be preserved whenever possible. Significant historic features of a property shall be treated with care. The commission may require that existing materials, decorative elements, and structural elements be repaired rather than replaced. The commission may adopt additional rehabilitation standards for the review of certificates of appropriateness to supplement these standards.

(c) *Standards for new construction.* The commission of architectural review shall approve new construction which it deems to be compatible with the design, scale, materials, color, height, setback, and other pertinent features of the old and historic district in which it is located. The commission may adopt additional new construction standards for the review of certificates of appropriateness to supplement these standards.

(d) *Standards for demolition.* The commission of architectural review shall not issue a certificate of appropriateness for demolition of any building or structure within an old and historic district, unless the applicant can show that there are no feasible alternatives to demolition. The demolition of historic buildings and elements in old and historic districts is strongly discouraged. The demolition of any building deemed by the commission to be not a part of the historic character of an old and historic district shall be permitted. The demolition of any building that has deteriorated beyond the point of being feasibly rehabilitated is permissible, where the applicant can satisfy the commission as to the infeasibility of rehabilitation. The commission may adopt additional demolition standards for the review of certificates of appropriateness applications to supplement these standards.

(e) *Standards for site improvements.* The commission of architectural review shall issue a certificate of appropriateness for site improvements it deems to be appropriate to the character of the property and to the old and historic district of which it is a part. The commission may adopt additional site improvement standards for the review of certificates of appropriateness to supplement these standards.

(f) *Standards for signage.* The commission of architectural review shall issue a certificate of appropriateness for signage, the type, size, material, style, and lighting of which is appropriate to the character of the property and to the old and historic district of which it is a part. The commission may adopt additional signage standards for the review of certificates of appropriateness to supplement these standards.

(g) *Adoption of architectural guidelines.* The commission of architectural review may adopt architectural guidelines for any old and historic district to assist the public and the commission in planning for and reviewing exterior modifications within such district. Such guidelines shall be advisory only and shall not replace the review required by this division.

(h) *Architectural guidelines for use by secretary.* The commission of architectural review may adopt design guidelines for any old and historic district which set forth standard design features that shall be uniformly applicable within such district by the secretary conducting a review pursuant to subsection 30-930.6(h).

Sec. 30-930.8. Appeal of decision granting or refusing to grant certificate of appropriateness.

(a) *Appeal to city council.* Any person aggrieved by a decision of the commission of architectural review pertaining to issuance or denial of a certificate of appropriateness pursuant to this division may appeal such decision to the city council, by filing a petition with the city clerk. A fee as set forth in appendix A to this Code shall accompany each petition, which fee shall be paid into the city treasury. The city clerk shall send copies of the petition to each member of the city council and to the secretary of the commission. The petition shall set forth in writing the alleged errors or illegality of the commission's action and the grounds thereof, specifically including any and all procedures, standards or guidelines alleged to have been violated or misapplied by the commission. The petition shall be filed within 15 days after the final decision of the commission approving or disapproving issuance of a certificate of appropriateness. The filing of the petition shall stay all proceedings from the decision appealed, except that a decision denying a request for demolition in an old and historic district shall not be stayed.
[2010-186-199, §1; 11-22-2010]

(b) *Procedure on appeal to city council.* Within 15 days of the filing of the petition pursuant to this section, the commission of architectural review shall file with the city clerk certified or sworn copies of the record of its action and documents considered by it in making the decision being appealed. With the record and documents, the commission may produce in writing such other facts as may be pertinent and material to show grounds of the decision appealed, verified by affidavit. The city clerk shall send copies of all information filed by the commission to each member of the city council.

(c) *Review by city council.* The city council shall review the petition, record, documents, and other materials produced by the commission of architectural review pursuant to this section, and the city council may reverse or modify the decision appealed, in whole or in part, by resolution when it is satisfied that the decision of the commission is in error under this division, or, by taking no action, the city council may affirm the decision of the commission. If the city council finds that the testimony of witnesses is necessary for a proper disposition of the matter, it may hear evidence. The failure of the city council to modify or reverse the decision of the commission within 75 days from the date the petition is filed shall be deemed to constitute affirmation of the commission's decision, unless all parties to the appeal agree in writing to extend such period of time.
[2010-186-199, §1; 11-22-2010]

(d) *Appeal to circuit court.* Any person with standing may appeal a decision of the city council to affirm, modify or reverse a decision of the commission made pursuant to this division to the circuit court for review by filing a petition at law. The petition shall set forth in writing the alleged illegality of the action of the city council and the grounds thereof, specifically including any and all procedures, standards or guidelines alleged to have been violated or misapplied by the city council. The petition shall be filed within 30 days after the decision of the city council. The filing of the petition shall stay the decision of the city council, except that a decision denying a request for demolition in an old and historic district shall not be stayed. A copy of the petition shall be delivered to the city clerk, who shall file with the circuit court a certified or sworn copy of the records and documents considered by the city council.
[2010-186-199, §1; 11-22-2010]

(e) *Review by circuit court.* The circuit court shall review the record, documents and other materials filed by the city clerk pursuant to this section. The circuit court may reverse or modify the decision of the city council, in whole or in part, if it finds upon review that the decision of the city council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or the court may affirm the decision of the city council.

Sec. 30-930.9. Additional rights of owners to demolish certain properties.

(a) *Procedures.* The following are procedures entitling owners to demolish properties:

(1) In addition to the right of appeal set forth in subsection 930.8, the owner of a building or structure, the razing or demolition of which is subject to review under this division, shall, as a matter of right, be entitled to raze or demolish such building or structure provided that:

a. The owner has applied to the commission of architectural review and, if denied, to the city council for such right;

b. The owner has, for the period of time set forth in the time schedule established in subsection (b) of this section and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure and the land pertaining thereto to the city or to any person, any other government body, firm or corporation which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and

c. No bona fide contract binding upon all parties thereto shall have been executed for the sale of any such landmark, building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule contained in subsection (b) of this section.

(2) Any appeal which may be taken to the court from the decision of the city council, whether instituted by the owner or by any other proper party, notwithstanding the sections of this division relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to in this section. No offer to sell shall be made more than 12 months after a final decision by the city council, but thereafter the owner may renew the request to the city council to approve the razing or demolition of the historic landmark, building or structure.

(b) *Time schedule.* The time schedule for offers to sell pursuant to this section shall be as follows:

(1) Three months when the offering price is less than $25,000.00;

(2) Four months when the offering price is $25,000.00 or more but less than $40,000.00;

(3) Five months when the offering price is $40,000.00 or more but less than $55,000.00;

(4) Six months when the offering price is $55,000.00 or more but less than $75,000.00;

(5) Seven months when the offering price is $75,000.00 or more but less than $90,000.00; and

(6) Twelve months when the offering price is $90,000.00 or more.

(c) *Notice required.* Before making a bona fide offer to sell as provided for in this section, an owner shall first file a statement with the secretary of the commission of architectural review, and the owner shall publish the notice twice, not less than seven days apart, in a daily newspaper of general circulation in the city. The statement shall identify the property, shall state the offering price, and shall state the date that the offer for sale is to begin and the name of the real estate agent, if any. No time period set forth in this section shall begin to run until the statement has been both filed and published.

DIVISION 5. DESIGN OVERLAY DISTRICTS

Sec. 30-940. Purpose.

The purpose of creating a design overlay district is to protect developed areas of the city characterized by uniqueness of established neighborhood character, architectural coherence and harmony, or vulnerability to deterioration. This is accomplished through controlling the patterns of architectural design and development in residential and commercial neighborhoods, which may include new construction, alterations, and demolitions. Only exterior changes to buildings, structures and sites within public view may be regulated. If the demolition of buildings and structures is regulated, as defined by district design guidelines, only buildings and structures deemed to be noncontributing to the general neighborhood character may be demolished. To achieve the general purpose set forth in this division, the city seeks to pursue the following specific purposes:

(1) Protection of existing architectural massing, composition and styles as well as neighborhood scale and character.

(2) Compatibility of new construction and structural alterations with the existing scale and character of surrounding properties.

(3) Preservation of streetscapes, open spaces and natural features.

Sec. 30-940.1. Applicability of division.

This division shall apply generally to designated design overlay districts and are for the purpose of setting forth the means of establishing and administering such districts as allowed by section 17.11.(a1) of the Charter. Fees may be created for the establishment, amendment and administration of design overlay districts.

Sec. 30-940.2. Definitions.

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

Alteration means any change, modification or addition to the structure, materials, color, texture or details of all or a part of the exterior of any building, structure, or site other than normal repair, maintenance, and landscaping.

Contributing building or structure means any building or structure as defined by criteria in the National Register of Historic Places or other criteria as may be determined by district design guidelines.

Demolition means the dismantling or tearing down of all or a part of any building or structure and all operations, including grading, incidental thereto.

Design overlay district means any portion of the city designated in accordance with this division.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color; the kind and texture of the building material; the type and style of all windows, doors, light fixtures, signs, decorative features; and other appurtenances that are subject to public view.

New construction means any construction within a design overlay district which is independent of an existing structure or building or an expansion of an existing structure or building.

Normal repair and maintenance means any work involving the replacement of existing work with equivalent material, design, color, and workmanship for the purpose of maintaining the existing condition of the building, structure or site.

Public view means that which is visible from a public right-of-way. (Ord. No. 2010-94-80 § 1, 5-10-2010)

Sec. 30-940.3. Urban design committee

(a) *Established.* There is hereby created and established an urban design committee, in this division referred to as the “committee.”

(b) *Composition; terms of office; compensation.* The urban design committee shall consist of ten members who either reside in the city or have their primary place of business in the city. Members shall be appointed by city council. Appointments of committee members shall be as follows:

(1) One of the members shall be a registered architect;

(2) One shall be a member of a recognized local organization in one of the various fields of static arts;

(3) One shall be a member of the faculty of the arts division of a local college or university;

(4) One shall be a registered professional engineer;

(5) One shall be a business executive or professional;

(6) One shall be a registered landscape architect or a person having demonstrated talent in landscape design;

(7) One shall be a member of the planning commission;

(8) One shall be a member of the commission of architectural review; and

(9) Two shall be citizens of the city appointed at large.

Members shall be appointed for terms of office of three years from the date of appointment; provided, however, that members who are also members of the planning commission or of the commission of architectural review shall be appointed for terms coincident with their terms on such commissions. Vacancies on the committee shall be filled in the same manner as provided in this section. The members of the committee shall serve as such without compensation.

(c) *Secretary.* The Director of the department of planning and development review shall appoint a secretary for the urban design committee, who shall be a qualified employee of that department. The secretary, in addition to other assigned duties, shall keep a record of all actions and proceedings of the committee.

(d) *Responsibilities and duties.* The urban design committee shall, upon request of the planning commission, advise the commission on matters of an aesthetic nature in connection with the performance of the duties of the commission under sections 17.05, 17.06, and 17.07 of the Charter and in any other matter requested by the commission. The committee shall also have the power and authority to review and approve or disapprove applications for design overlay district design review as established in this division. In addition, the committee shall have the following duties to carry out the responsibilities set forth in this section:

(1) Hold regular meetings and other meetings as needed.

(2) Adopt design guidelines applicable to properties in connection with the performance of the duties of the planning commission, except for design guidelines for specific design overlay districts.

(3) Adopt procedures which allow for the delegation of the review, approval, or disapproval of applications to the secretary.

(e) *Rules of procedure.* The urban design committee shall be authorized to adopt rules of procedure for the transaction of its business and implementation of the purposes of this division. The rules of procedure shall not conflict with this division.

Sec. 30-940.4. Process for designation.

(a) *Scope.* In the city there may be created design overlay districts which shall be an overlay to the other zoning districts into which the city is divided. The boundaries of any districts created shall be shown on the official zoning map on file with the department of planning and development review and may be amended from time to time by the city council, which map is incorporated in this division by reference and made a part of this division. Materials documenting the process of establishing a design overlay district shall be kept in the files of the department of planning and development review. The Director of the department of planning and development review may establish additional procedures for the establishment of design overlay districts. The adoption, amendment or repeal of any boundaries of a design overlay district shall comply with and shall be subject to all procedures and criteria set forth in the Charter applicable to the adoption, amendment or repeal of the comprehensive zoning plan.

(b) *Requests by neighborhood organization; report.* Any neighborhood organization which has demonstrated a broad representation and membership may request design overlay district designation for its neighborhood. The neighborhood organization requesting designation must submit a written report to the Director of the department of planning and development review which contains the following:

(1) The name of the neighborhood organization representing the interest of property owners in the proposed area, and one contact person's name, street address, and daytime phone number.

(2) A justification of why design overlay district designation is needed.

(3) A statement of the neighborhood's goals and an explanation of how design overlay district designation will meet these goals.

(4) A description of the following in the neighborhood:

a. Unique established neighborhood character;

b. Architectural coherence and harmony; and

c. Vulnerability to deterioration.

(5) A simple inventory of the neighborhood's unique characteristics including building characteristics, descriptions, significant details, date of construction, types of land uses, property addresses, etc. Color photographs documenting the characteristics must be included in the report.

(6) A reproducible map showing the proposed district's boundaries with street names clearly displayed and an explanation of why the boundaries are appropriate.

(7) A draft of specific design guidelines for the proposed design overlay district and how the guidelines relate to inventory characteristics.

(8) A statement of the level of neighborhood and property owner support for design overlay district designation.

(9) A description of the neighborhood organization's activities reflecting progress towards design overlay district designation to date.

(10) Any additional information that the Director of the department of planning and development review or designated staff determines to be necessary.

(c) *Public information meeting.* The staff of the department of planning and development review shall review the report submitted by the neighborhood organization pursuant to subsection (b) of this section. Upon acceptance of the form and content of the report, the staff shall notify the neighborhood so a public information meeting may be called. The public information meeting shall be sponsored by the neighborhood organization with assistance from staff of the department of planning and development review. The neighborhood organization shall provide written notice of the public information meeting to all property owners within the proposed design overlay district. In addition, notice of the public meeting shall be published by the neighborhood organization once in a daily newspaper of general circulation in the city and not less than 14 days prior to the date of the public information meeting.

(d) *Review of proposed designation.* Pursuant to this section, the neighborhood organization shall notify the property owners by mail and solicit, by return mail to the department of planning and development review, a response of support or opposition to the proposed design overlay district designation. If the majority of the responding property owners indicate support for the designation, the neighborhood organization's report shall be presented to the urban design committee and the planning commission. Upon a favorable recommendation of the planning commission, an ordinance shall be prepared designating the design overlay district. A separate ordinance shall be required for each design overlay district. The ordinance shall be reviewed by the urban design committee which shall forward a recommendation to the planning commission which shall review the ordinance and forward a recommendation to the city council. The city council shall take final action on the proposed design overlay district after holding a public hearing.

(e) *Relation to other districts.* Design overlay districts shall be in addition to the underlying zoning and shall be applied to overlay and shall be superimposed on other zoning districts as permitted by this chapter and shown on the official zoning map. Any property lying within a design overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(f) *Application of district regulations.* Each design overlay district is established to create a review process as provided in this division. In all other respects, the land use regulations normally applicable within the underlying zoning district shall apply to property within the boundaries of the design overlay district.

Sec. 30-940.5. Specific districts established and designated.

This division shall be applicable within the following districts, which are hereby established and designated as design overlay districts:

West of the Boulevard design overlay district. The boundaries of such district are as shown on the official zoning map, entitled "Zoning District Map 2008." (Ord. No. 2010-94-80 § 1, 5-10-2010)

Sec. 30-940.6. Design guidelines of specific districts.

Each design overlay district shall have its own specific design guidelines which are developed by the neighborhood organization requesting design overlay district designation. The design guidelines shall further the specific purposes of design overlay district designation as set forth in the neighborhood organization's written report as required in subsection 30-940.4(b). Nothing in the design guidelines is intended to usurp the rights that property owners have under this chapter. Where the design guidelines are more restrictive than this chapter, the design guidelines are considered to be recommendations only. The design guidelines for a specific design overlay district shall be reviewed by the urban design committee and shall be adopted by resolution of the planning commission after holding a public hearing. The design guidelines may be amended by resolution of the planning commission after holding a public hearing. The Director of the department of planning and development review may establish additional procedures for giving public notice.

Sec. 30-940.7. Process for administration.

(a) *Approval required.* No building or structure or any exterior portion thereof, sign or driveway shall be constructed, altered, reconstructed, repaired, restored or demolished within any design overlay district unless the building or structure or any exterior portion thereof, sign or driveway is approved by the designee of the urban design committee or, on appeal, by the urban design committee or the city council, as being consistent with the purpose set forth in the adopted design guidelines of the particular design overlay district in which the property is situated. All such approvals shall be evidenced by a certificate of approval. No permit to authorize any new construction, alteration or demolition or to erect any sign or to install any driveway shall be issued by the responsible city agency unless the applicant has first obtained a certificate of approval for such work. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(b) *Scope of review.* A certificate of approval shall only be required for such new construction, demolition or alterations to a building, structure or site which are within public view and are specifically described in the adopted design guidelines for the particular design overlay district, as established in this division, in which the property is situated. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(c) *Administration generally.* Design overlay districts shall be administered through the building permit and certificate of zoning compliance application processes in accordance with article X, divisions 2 and 3, of this chapter, and such other permit approval processes of any agency of the city that affect any feature of the district design guidelines established in this division. Applications for all such permits on properties situated in a design overlay district shall be forwarded to the zoning administrator by the responsible city agency. The zoning administrator shall determine if a certificate of approval is required by the adopted design guidelines as provided for by section 30-940.6(b)(7) of this division for the particular design overlay district in which the property is situated and, if such determination is made, the zoning administrator shall forward the plans to an appointed designee of the urban design committee for review. The Director of the department of planning and development review may establish additional procedures and guidelines for the administration of design overlay districts. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(d) *Conceptual review of plans.* Pursuant to this division, any person may request a conceptual design review of the proposal for exterior work, before submitting for a building permit, certificate of zoning compliance or other applicable permit or approval. The appointed designee of the urban design committee may review and discuss the proposal with the applicant and make any necessary recommendations. Such conceptual review shall be advisory only. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(e) *Permit review and additional submission requirements.* Upon receipt of a complete application for a building permit, certificate of zoning compliance or other applicable permit or approval for a building, structure or other feature or structure located on property within a designated design overlay district, the appointed designee of the urban design committee shall review the plans for conformance with the adopted design guidelines for the particular design overlay district as established in this division. In order to determine conformance with the adopted design guidelines, the applicant may be required to submit additional information on the proposed exterior architectural features of the building, structure or feature, which may include but shall not be limited to the design, arrangement, texture, materials, and color proposed to be used and the type of windows, exterior doors, lights, signs, site improvements, and other exterior fixtures and appurtenances. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(f) *Approval or disapproval of application and issuance of certificate of approval.* Upon review of plans for conformance with the adopted design guidelines of a particular design overlay district, the appointed designee of the urban design committee shall approve, with or without conditions, or shall disapprove such and shall notify in writing the neighborhood organization which requested design overlay district designation for its neighborhood. If the plans are approved, the designee of the urban design committee shall issue a certificate of approval, with or without

conditions, and the applicant shall be required to post the certificate of approval on the exterior of the property within public view within two calendar days after the granting of such approval. The certificate of approval shall remain posted for 30 consecutive days. The designee of the urban design committee shall note approval, with or without conditions, or shall note disapproval on the building permit or other applicable permit. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(g) *Reason for action.* Pursuant to this section, the appointed designee of the urban design committee shall clearly state the reason for approval or disapproval of the plans on the building permit or other applicable permit. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(h) *Normal maintenance and repair.* Nothing in this division shall be construed to prevent the normal repair and maintenance of any exterior architectural features located in a design overlay district.

(i) *Unsafe and dangerous conditions.* Nothing in this division shall be construed to prevent the construction, reconstruction, alteration or demolition of any building or feature which the commissioner of buildings shall determine is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the commissioner of buildings shall provide notice to the appointed designee of the urban design committee.

(Ord. No. 2010-94-80 § 1, 5-10-2010)

Sec. 30-940.8. Appeal of decision granting or refusing to grant design approval.

(a) *Appeal to urban design committee.* Any person aggrieved or any officer, department, board, commission or agency of the city affected may appeal the decision of a designee of the urban design committee made pursuant to this division to the urban design committee by filing a petition with the secretary of the urban design committee. The petition shall be filed within 30 days after the final written decision of the designee approving or disapproving design approval and shall set forth the alleged errors or illegality of the designee's action and the grounds thereof. The secretary of the urban design committee shall send copies of the petition to each member of the urban design committee and to the property owner and shall notify in writing the neighborhood organization which requested design overlay district designation for its neighborhood and the affected property owners of all property or portions of property located within 150 feet of the property. Such notification shall include the scope of work and the date, time, and place of the meeting at which the appeal shall be considered by the urban design committee and shall be by regular mail and mailed at least seven days prior to the meeting. The filing of the petition shall stay all proceedings from the decision appealed, except that a decision denying a request for demolition in a design overlay district shall not be stayed. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(b) *Review by urban design committee.* Upon receipt of the petition filed pursuant to this section, the urban design committee shall review the petition and shall approve or disapprove the plans and, if approved, shall issue a certificate of approval, with or without conditions, or with such modifications of the plans as the committee deems necessary to execute the purpose set forth in the adopted design guidelines of the particular design overlay district and to require compliance with this division. Approval of any plans must receive no fewer than five affirmative votes of the urban design committee. Failure to receive five affirmative votes shall be equivalent to a denial. The Director of the department of planning and development review may establish additional procedures and guidelines for appeals. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(c) *Appeal to city council.* Any person aggrieved or any officer, department, board, commission or agency of the city affected may appeal the decision of the urban design committee made pursuant to this division to the city council by filing a petition with the city clerk. The city clerk shall send copies of the petition to each member of the city council and to the secretary of the urban design committee. The petition shall set forth the alleged errors or illegality of the urban design committee's action and the grounds thereof and shall be filed within 30 days after the final decision of the urban design committee approving or disapproving design approval. The filing of the petition shall stay all proceedings from the decision appealed, except that a decision denying a request for demolition in a design overlay district shall not be stayed.

(d) *Procedure on appeal to city council.* Within 30 days of the filing of the petition pursuant to this section, the urban design committee shall file with the city clerk certified or sworn copies of the record of its action and documents considered by it in making the decision being appealed. With the record and documents, the urban design committee may produce in writing such other facts as may be pertinent and material to show grounds of the decision appealed, verified by affidavit. The city clerk shall send copies of all information filed by the urban design committee within a reasonable time to each member of the city council. The Director of the department of planning and development review may establish additional procedures and guidelines for appeals.

(e) *Review by city council.* The city council shall review the petition, record, documents, and other materials produced by the urban design committee pursuant to this section, and the city council may reverse or modify the decision appealed, in whole or in part, when it is satisfied that the decision of the urban design committee is in error under this division, or the city council may affirm the decision of the urban design committee. (Ord. No. 2010-94-80 § 1, 5-10-2010)

(f) *Appeal to circuit court.* Any person aggrieved or any officer, department, board, commission or agency of the city affected may appeal any decision of the city council to affirm, modify or reverse a decision of the urban design committee made pursuant to this division to the circuit court for review by filing a petition at law.

Sec. 30-940.9. Additional rights of owners to demolish certain buildings or structures regulated by design guidelines.

(a) *Procedures.* The following are procedures entitling owners to demolish properties:

(1) If the design guidelines for a particular design overlay district prohibit the demolition of buildings or structures deemed to be contributing to the general neighborhood character, the owner of the building or structure shall, as a matter of right and in addition to the right of appeal set forth in section 940.8, be entitled to demolish the building or structure provided that:

a. The owner has submitted a demolition permit to the city for such and, if denied by the designee of the urban design committee, has appealed the decision to the urban design committee and, if denied, has appealed the decision to the city council;

b. The owner has, for the period of time set forth in subsection (b) of this section and at a price reasonably related to its fair market value, made a bona fide offer to sell the building or structure and the land pertaining thereto to the city or to any person, firm, corporation, government or agency or political subdivision or agency which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto; and

c. No bona fide contract, binding upon all parties thereto, has been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in subsection (b) of this section.

(2) Any appeal taken to the court from the decision of the city council, whether instituted by the owner or by any other proper party, notwithstanding the sections of this division relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to in this section. No offer to sell shall be made more than 12 months after a final decision by the city council, but thereafter the owner may renew the request to the city to approve the demolition of the building or structure.

(b) *Time schedule.* The time schedule for offers to sell made pursuant to this section shall be as follows:

(1) Three months when the offering price is less than $25,000.00;

(2) Four months when the offering price is $25,000.00 or more but less than $40,000.00;

(3) Five months when the offering price is $40,000.00 or more but less than $55,000.00;

(4) Six months when the offering price is $55,000.00 or more but less than $75,000.00;

(5) Seven months when the offering price is $75,000.00 or more but less than $90,000.00; and

(6) Twelve months when the offering price is $90,000.00 or more.

(c) *Notice required.* Before making a bona fide offer to sell as provided for in this section, the property owner shall first file a statement with the secretary of the urban design committee, and the owner shall publish the notice twice, not less than seven days apart, in a daily newspaper of general circulation in the city. The statement shall identify the property and shall state the offering price, the date that the offer for sale is to begin, and the name of the real estate agent, if any. No time period set forth in subsection (b) of this section shall begin to run until the statement has been both filed and published.

DIVISION 6. PLAN OF DEVELOPMENT OVERLAY DISTRICTS

Sec. 30-950. Applicability.

This division applies generally to plan of development overlay districts and is for the purpose of setting forth the means of establishing such districts and determining the requirements applicable within each.

Sec. 30-950.1. Intent of districts.

(a) Pursuant to the general purposes of this chapter, the intent of plan of development overlay districts is to provide a means whereby the city council may establish overlay districts to determine compliance with the technical requirements of this chapter as well as compliance with site planning criteria in this chapter such as the relationship among the various elements of the plan (preservation of landscape, arrangement of buildings and spaces, functions of yards and spaces, parking and circulation), the relationship to the arrangement of abutting sites and to minimize potential adverse influences on and ensure compatibility with nearby uses.

(b) The districts are intended to recognize that business uses located in areas adjacent to or within residential areas and generating traffic which must pass through adjacent residential areas typically have a greater impact on these residential areas than business uses in other locations and that plan of development review provides an opportunity to ensure a more harmonious relationship between these different uses.

Sec. 30-950.2. Application of districts and regulations.

(a) *Relation to other districts.* Plan of development overlay districts shall be in addition to and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by subsection (b) of this section and shown on the official zoning map. Any property lying within a plan of development overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Plan of development overlay districts shall be applied so as to overlay a B-1, B-2, B-3, B-4, RO-3 or TOD-1 district. (Ord. No. 2019-171, §1, 7-22-2019)

Sec. 30-950.3. Establishment of plan of development overlay districts and requirements pertaining thereto.

(a) *Establishment of districts.* Every plan of development overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a plan of development overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. A description of the boundaries or a map depicting the boundaries of each plan of development overlay district and the date of adoption of the district or amendment thereto shall be set forth in this article.

(b) *Application of district regulations.* Within each plan of development overlay district, a plan of development as set forth in article X of this chapter shall be required for:

(1) Construction of any new building or addition to an existing building when such new building or addition occupies more than 1,000 square feet of lot coverage;

(2) Construction of any parking area or parking lot, or any addition to or material alteration of the arrangement of any parking area or loading area or vehicle circulation or maneuvering area, including any means of access thereto. (Ord. No. 2019-171, §1, 7-22-2019)

(c) *Application of district regulations.* In all other respects the regulations normally applicable within the underlying district shall apply to property within the boundaries of the plan of development overlay district. Application of a plan of development overlay district shall not eliminate any specific requirement within an underlying zoning district pertaining to plan of development requirements.

(Code 1993, § 32-950.3; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-950.4. Establishment of specific districts. This division shall become effective in areas specified and on dates indicated as follows:

(a) ***Westover Hills Boulevard/Forest Hill Avenue Plan of Development Overlay District POD-1.***

On January 12, 1998, this division shall become effective in the Westover Hills/Forest Hill Avenue POD-1 district. The boundaries of such district are as follows: beginning at the intersection of the centerline of Forest Hill Avenue and Prince Arthur Road; thence extending 190 feet, more or less, in a northerly direction along the centerline of Prince Arthur Road to a point; thence extending 1,040 feet, more or less, in an easterly direction along the centerline of a 16-foot-wide east/west alley located between Forest Hill Avenue and Devonshire Road to the centerline of Westover Hills Boulevard; thence extending 50 feet, more or less, in a southerly direction along the centerline of Westover Hills Boulevard to a point; thence extending 743 feet, more or less, along the centerline of a 16-foot-wide east/west alley between Forest Hill Avenue and Devonshire Road to the centerline of West 47th Street; thence extending 200 feet, more or less, in a southerly direction along the centerline of West 47th Street to the centerline of Forest Hill Avenue; thence extending 137 feet, more or less, in an easterly direction along the centerline of Forest Hill Avenue to a point; thence extending 150 feet, more or less, in a southerly direction along a line parallel to the east line of West 47th Street to a point; thence extending 137 feet, more or less, in a westerly direction along a line parallel to the south line of Forest Hill Avenue to the centerline of West 47th Street; thence extending 107 feet, more or less, in a southerly direction along the centerline of West 47th Street to a point; thence extending 561 feet, more or less, in a westerly direction along the centerline of a 14-foot-wide east/west alley between Forest Hill Avenue and Dunstan Avenue to the centerline of a 14-foot-wide north/south alley between Westover Hills Boulevard and West 48th Street; thence extending 400 feet, more or less, in a southerly direction along the centerline of such alley to the centerline of Dunstan Avenue; thence extending 250 feet, more or less, in a westerly direction along the centerline of Dunstan Avenue to the centerline of West 49th Street; thence extending 128.89 feet, more or less, in a southerly direction along the centerline of West 49th Street to the centerline of Clarence Street; thence extending 312.8 feet, more or less, in a westerly direction along the centerline of Clarence Street to a point 277.8 feet west of the west line of West 49th Street; thence extending 720 feet in a northerly direction along a line 277.8 feet west of and parallel to the west line of West 49th Street to a point; thence extending 868 feet, more or less, in a westerly direction along a line 150 feet south of and parallel to the south line of Forest Hill Avenue to the centerline of Jahnke Road; thence extending 190 feet, more or less, in a northerly direction along the centerline of Jahnke Road to the centerline of Forest Hill Avenue; thence extending 18.09 feet, more or less, in an easterly direction along the centerline of Forest Hill Avenue to the point of beginning.

(b) ***Arts District Station/Monroe Ward Plan of Development Overlay District POD-2.***

Arts District Station/Monroe Ward Plan of Development Overlay District POD-2.
On July 22, 2019, this division shall become effective in the Arts District Station/Monroe Ward Plan of Development Overlay District. The district is bounded by the centerlines of North Belvidere Street and South Belvidere Street on the west, East Broad Street and West Broad Street on the north, the Downtown Expressway on the south, and North 9th Street and South 9th Street on the east.

In addition to the criteria by which all plans of development are evaluated, plans of development in the Arts District Station/Monroe Ward Plan of Development Overlay District shall be evaluated to determine if building design is in line with the following six form elements of the Pulse Corridor Plan, as incorporated into the Master Plan for the City of Richmond by Ordinance No. 2017-127, adopted July 24, 2017:

(1) *Hold the corner*: Buildings and spaces at intersections shall have active ground floors that wrap around the corner.

(2) *Entrances face the street*: Main entrances to businesses and residences shall face the street to facilitate pedestrian activity.

(3) *Appropriate setbacks/stepbacks*: Commercial uses shall be closer to the street and residential uses shall be set back to facilitate privacy and to create a semipublic space. Stepbacks at upper stories shall honor existing form without overwhelming it.

(4) *Transparency*: Façade fenestration shall be visible from the street. This is especially important on the ground floor, where fenestration should occupy a higher percentage of the building face.

(5) *Façade Articulation*: Long, monolithic facades shall be broken up and made more human-scale by varying the streetwall plane, height, colors, and materials.

(6) *Screened parking/services*: Attractive landscaping shall extend to the sidewalk to help maintain a streetwall and mitigate the disruption caused by surface parking lots and utilitarian services.

(Ord. No. 2019-171, §1, 7-22-2019)

Sec. 30-950.5. Pre-application meetings.

Within the boundaries of the Arts District Station/Monroe Ward Plan of Development Overlay District POD-2, applicants must schedule a meeting with the Department of Planning and Development Review before an application is submitted to discuss how a project will align with the goals of the Pulse Corridor Plan and with the six form elements set forth in section 30- 950.4(b).

(Ord. No. 2019-171, §2, 7-22-2019)

DIVISION 7. PARKING EXEMPT OVERLAY DISTRICTS

Sec. 30-960. Generally.

The provisions of sections 30-960 through 30-960.4 of this division shall apply to designated parking exempt overlay districts and are for the purpose of setting forth the means of establishing and administering such districts.

(Ord. No. 2003-185-132, § 1, 5-27-2003)

Sec. 30-960.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of parking exempt overlay districts is to provide relief from the off-street parking requirements for certain uses so as to facilitate the development and redevelopment of economically depressed, older, urban commercial districts characterized by a substantial number of vacant and deteriorated structures. With the exception of certain high intensity uses, off-street parking is generally not needed for most uses in these areas because of high vacancy rates, availability of on-street parking, considerable walk-in trade due to proximity to residential areas and available public transportation. As these economically depressed, older, urban commercial districts undergo revitalization consideration should be given to re-establishing appropriate parking requirements.

(Ord. No. 2003-185-132, § 1, 5-27-2003)

Sec. 30-960.2. Application of districts and regulations.

(a) *Relation to other districts.* Parking exempt overlay districts shall be in addition to, and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by the provisions of subsection (b) of this section and shown on the official zoning map. Any property lying within a parking exempt overlay district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(b) *Permitted underlying districts.* Parking exempt overlay districts shall be applied so as to overlay UB, UB-2, B-1, B-2 or B-3 districts. Parking exempt overlay districts may also be applied so as to overlay those portions of RO-1, RO-2 or RO-3 districts which lie contiguous to a UB, UB-2, B-1, B-2 or B-3 district and constitute a part of the same parking exempt overlay district.

(c) *Minimum district size.* Each parking exempt overlay district shall comprise a contiguous area of not less than 25,000 square feet.

(d) *Establishment of districts.* Every parking exempt overlay district shall be established by amendment to the official zoning map in the same manner as other zoning map amendments and as provided for by this chapter. Every area designated as a parking exempt overlay district by such zoning map amendment shall constitute a separate district which shall be numbered serially in the order of adoption and shown on the official zoning map by a special symbol, pattern or shading depicting the boundaries of the district together with the numerical designation of the district. The provisions of this division shall be applicable within such designated districts, which will be established in this division by ordinance and designated as parking exempt overlay districts.

(Ord. No. 2003-185-132, § 1, 5-27-2003; Ord. No. 2008-2-55, § 2, 3-24-2008)

Sec. 30-960.3. Number of spaces required.

(a) There shall be no parking requirement for any uses located within buildings existing on the effective date of this division except that the minimum number off-street parking spaces required for the following uses shall be as follows:

(1) Theaters; amusement centers, lodges and clubs; and similar uses: one space per 150 square feet of floor area; (Ord. No. 2010-19-31, § 3, 2-22-2010)

(3) Nightclubs; one space per 100 square feet of floor area
(Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(4) Restaurants: one space per 300 square feet of floor area;
(Ord. No. 2010-19-31, § 3, 2-22-2010)

(4) Food stores: one space per 300 square feet of floor area; and
(Ord. No. 2010-19-31, § 3, 2-22-2010)

(5) Dwelling units: none for three units: otherwise, one per four dwelling units.

(b) For all newly constructed buildings and additions to existing buildings, the minimum number of off-street parking spaces required shall be as specified in section 30-710, provided that off-street parking shall not be required for a single addition to an existing building which does not exceed 200 square feet in floor area.

(Ord. No. 2003-185-132, § 1, 5-27-2003)

Sec. 30-960.4. Changes in the number of parking spaces required.

When any change is made to the use of a building, existing on the effective date of this division, so that the number of parking spaces required by section 30-960.3 is increased, the number of spaces required for the subject increase shall include in the calculation of required parking any nonconforming rights to off-street parking which existed on the effective date of inclusion of the subject property in a parking exempt overlay district.

(Ord. No. 2003-185-132, § 1, 5-27-2003)

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. ADMINISTRATIVE OFFICER

Sec. 30-1000. Authority and appointment of zoning administrator.

It shall be the duty of the zoning administrator to administer and enforce this chapter. The zoning administrator shall be an employee of the department of planning and development review appointed by the Director of that department.

Sec. 30-1000.1. Enforcement duties.

The commissioner of buildings shall cause to be submitted to the zoning administrator for review all applications for permits for the construction, enlargement, structural alteration, conversion or relocation of any building or structure; permits to erect signs; certificates of use and occupancy; and certificates of zoning compliance. The zoning administrator shall approve or disapprove such applications based on compliance or noncompliance with this chapter. The zoning administrator shall use all best efforts to prevent violations and to detect and secure the correction of violations. If it shall be found that any of the sections of this chapter are being violated, the zoning administrator shall see that written notice is given to the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The zoning administrator shall order or cause to be ordered the discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures or of illegal additions or alterations; and discontinuance of illegal work being done. The zoning administrator shall also take or cause to be taken any other action authorized by this chapter or other laws of the city or the commonwealth to ensure compliance with and to prevent violation of this chapter.

Sec. 30-1000.2. Records.

The zoning administrator shall maintain records of all official actions taken by the zoning administration office with respect to the administration and enforcement of this chapter. Such records shall include, among such other information as the zoning administrator deems necessary, information relating to approved building permits, certificates of use and occupancy, certificates of zoning compliance, violations and actions taken with regard thereto, including remedial action taken and final disposition of cases.

DIVISION 2. BUILDING PERMITS

Sec. 30-1010. Determination of compliance with chapter prior to issuance.

The zoning administrator shall be responsible for determining whether those applications for permits, set forth in section 30-1000.1, are in accord with the requirements of this chapter, and no such permit shall be issued by the commissioner of buildings until the zoning administrator has certified that the proposed construction and use of the premises conform with all applicable provisions of this chapter. Approval of a building permit or land disturbing permit shall not be granted by the commissioner of buildings until satisfactory evidence has been presented to the zoning administrator that any delinquent real estate taxes applicable to the subject property have been paid, provided that this requirement may be waived subject to compliance with the following criteria:

(1) A licensed medical doctor must certify in writing to the zoning administrator that an owner of a single-family dwelling has a disability that requires approval of a building permit for that dwelling to accommodate the disability;

(2) A licensed medical doctor must certify in writing to the zoning administrator that the specific building modification for which the building permit is sought is required to accommodate the disability; and

(3) The Director of finance must certify in writing to the zoning administrator that a payment schedule has been established for repayment of any delinquent real estate taxes applicable to the subject property.

Further, the requirement that satisfactory evidence be presented to the zoning administrator that any delinquent real estate taxes applicable to the subject property have been paid shall not apply to property that is not owned by Richmond Public Schools but is used primarily as a public school facility.

(Code 1993, § 32-1010; Ord. No. 2005-12-33, § 1, 3-29-2005)

Sec. 30-1010.1. Plans to accompany applications.

All applications for permits to erect, construct, enlarge, structurally alter, convert or relocate any building or structure shall be accompanied by building plans, specifications and site plans as required by the Virginia Uniform Statewide Building Code, plus such additional information deemed necessary by the zoning administrator to enforce this chapter.

Sec. 30-1010.2. Conformance with approved plans.

It shall be unlawful for any person to erect, construct, enlarge, extend, structurally alter or use any building, structure or premises except in conformance with plans approved by the zoning administrator as required by this article.

Sec. 30-1010.3. Pending applications.

This chapter and any amendment to this chapter shall apply to all building permit applications pending and not yet finally approved as of the effective date of the ordinance from which this chapter is derived or amendment to this chapter.

DIVISION 2.1. CERTIFICATE OF USE AND OCCUPANCY

Sec. 30-1015. Responsibility of zoning administrator.

The zoning administrator shall be responsible for determining whether applications for certificates of use and occupancy, as defined in the Virginia Uniform Statewide Building Code, are in accord with the requirements of this chapter.

Sec. 30-1015.1. Plans to accompany applications.

All applications for certificates of use and occupancy shall be accompanied by building plans, specifications and site plans, if required by the Virginia Uniform Statewide Building Code, and by such additional information deemed necessary by the zoning administrator to enforce this chapter.

Sec. 30-1015.2. Issuance.

No certificate of use and occupancy or temporary certificate of use and occupancy shall be issued by the commissioner of buildings unless the zoning administrator is satisfied, after inspection of the building, structure or premises involved, that all applicable sections of this chapter are met. No certificate of use and occupancy shall be issued for any development within a Chesapeake Bay Preservation Area until all requirements of article IV of chapter 50 and the approved Chesapeake Bay Site Plan have been met.

(Code 1993, § 32-1015.2; Ord. No. 2004-333-323, § 1, 12-13-2004)

Sec. 30-1015.3. Temporary certificate.

The zoning administrator shall not approve any temporary certificate of use and occupancy where the applicable sections of this chapter are not met, except when lack of compliance is of a temporary nature and involves signage or site-related improvements, such as landscaping, vegetative screening and paving. In such instances, the zoning administrator shall, before approving such temporary certificate of use and occupancy, be satisfied that the premises involved is physically suitable for use and occupancy in terms of access, parking and other site-related improvements. Temporary certificates of use and occupancy approved by the zoning administrator shall state the nature of the incomplete work and the time period within which the work must be completed, which in no case shall exceed 120 calendar days. Before approving any such temporary certificate of use and occupancy, the zoning administrator shall require that the owner of the property or the owner's agent submit a letter acknowledging the nature of incomplete work and the time period within which the work must be completed, which in no case shall exceed the time period as specified in this section. In the case of a temporary certificate of use and occupancy involving a Chesapeake Bay Preservation Area, no such certificate shall be issued without approval of the Chesapeake Bay Administrator.

(Code 1993, § 32-1015.3; Ord. No. 2004-333-323, § 1, 12-13-2004)

DIVISION 3. CERTIFICATE OF ZONING COMPLIANCE

Sec. 30-1020. Required.

It shall be unlawful for any person to use or to permit the use of any building, structure or premises or portion thereof, other than an existing single-family dwelling, unless a certificate of zoning compliance for such building, structure or premises or portion thereof shall have been approved by the zoning administrator as required by this article. It shall also be unlawful for any person to construct or erect any building or structure which is exempt from application for a building permit under the provisions of the Virginia Uniform Statewide Building Code and which is three feet or greater in height, unless a certificate of zoning compliance for such building or structure has been approved by the zoning administrator. However, a certificate of zoning compliance shall not be required for fences, walls, poles, posts and other customary yard ornaments and accessories which are exempt from application for a building permit and which are permitted by the provisions of this chapter. The certificate of zoning compliance shall certify that the building, structure or premises and the use thereof comply with the applicable sections of this chapter. No certificate of zoning compliance shall be issued for any development within a Chesapeake Bay Preservation Area until all requirements of article IV of chapter 50 and the approved Chesapeake Bay Site Plan have been met.

(Code 1993, § 32-1020; Ord. No. 2004-333-323, § 1, 12-13-2004; Ord. No. 2004-349-327, § 1, 12-13-2004)

Sec. 30-1020.1. Plans to accompany application.

All applications for certificates of zoning compliance shall be accompanied by such plans, specifications, site plans, and such additional information as required by the zoning administrator in order to determine compliance with this chapter.

Sec. 30-1020.2. Transferability.

A certificate of zoning compliance shall not be transferable to any person. Any new tenant or new owner of such building, structure or premises shall make application for a new certificate of zoning compliance. New occupants of single-family dwellings or single dwelling or lodging units shall be exempt from the requirements of this division.

Sec. 30-1020.3. Issuance.

No certificate of zoning compliance shall be issued by the zoning administrator unless the zoning administrator is satisfied, after inspection of the building, structure or premises involved, that all applicable sections of this chapter are met. Within two working days after the filing of an application for a certificate of zoning compliance or a letter of confirmation, the Zoning administrator shall cause such application to be published on the City's website. Within two working days after the Zoning Administrator issues a certificate of zoning compliance or a letter of zoning confirmation, the Zoning Administrator shall cause such certificate of zoning compliance or letter of zoning confirmation to be published on the City's website.

(Ord. No. 2018-276, §1, 12-17-2018)

Sec. 30-1020.4. Fee for filing an application for certificate of zoning compliance.

(a) A fee shall accompany each certificate of zoning compliance application for the respective use, which fee shall be paid into the city treasury. The fees shall be as set forth in appendix A to this Code.

(b) Approval of a certificate of zoning compliance shall not be granted until satisfactory evidence has been presented to the zoning administrator that any delinquent real estate taxes applicable to the subject property have been paid.

Sec. 30-1020.5. Fee for zoning confirmation letter.

A fee shall accompany each request for a letter of zoning compliance for the respective use, which fee shall be paid into the city treasury. The fees shall be as set forth in appendix A to this Code.

DIVISION 4. PLAN OF DEVELOPMENT*

* **Editor's Note:** Ord. No. 2004-180-167, §§ 3, 5, adopted June 28, 2004, repealed the former Div. 4, §§ 30-1030.1-30-1030.8, and enacted a new Div. 4 as set out herein. The former Div. 4 pertained to similar subject matter and derived from Code 1993, §§ 32-1030.1-1030.8.

Sec. 30-1030. Intent.

Pursuant to the general purposes of this chapter, the intent of the plan of development review and approval process is to ensure compliance with the technical requirements of this chapter, as well as the site planning criteria set forth in this division and elsewhere in this chapter, and to enhance the general character and overall quality of development by encouraging efficient and functional relationships among the various elements of site plans, encouraging safe pedestrian movement by reducing vehicular conflicts with pedestrians, promoting compatible arrangement of abutting sites, and minimizing potential adverse influences on and ensuring compatibility with nearby uses.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)

Sec. 30-1030.1. When required.

A plan of development shall be required for such uses in such districts as specified in article IV and article IX of this chapter pertaining to district regulations, and no certificate of use and occupancy for a newly established use requiring a plan of development and no building permit, land disturbing permit or driveway permit involving the construction, enlargement, conversion, exterior modification or relocation of a building, structure or site occupied or intended to be occupied by such use shall be approved by the zoning administrator, granted by the commissioner of buildings or issued by any other city official unless required plans for such use, building or site shall have been reviewed and approved by the Director of planning and development review, in accordance with the requirements set forth in this article. A plan of development shall not be required for wireless communications facilities meeting the criteria set forth in section 30-692.4(b)(2) of this Code. (Ord. No. 2015-80-74, § 1, 5-11-2015; Ord. No. 2018-157, § 1, 6-25-2018)

In the case of changes or modifications to the site of a use existing at the effective date of this provision, the following shall apply:

(1) For a use that requires a plan of development under the provisions of this chapter, but for which no plan of development has previously been approved, a plan of development shall be required for:

a. Construction of any new building or of any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall be required for any industrialized building located in an R district; or (2010-209-216, §3; 12-13-2010)

b. Any increase in the number of dwelling units on the site; or

c. Enlargement of the site occupied by the use when such enlargement exceeds a cumulative total 1,000 square feet of lot area; or

d. Addition of a cumulative total of more than 1,000 square feet of outdoor area devoted to active recreation or play area on the site; or

e. Construction of a new parking area, expansion of an existing parking area by five or more spaces, or any material alteration of the arrangement of any parking area, loading area or related vehicle circulation or maneuvering area.

(2) For a use that requires a plan of development under the provisions of this chapter, and for which a plan of development has previously been approved, an amended plan of development shall be required for:

a. Construction of any new building or of any enlargement of a building or site occupied by the use; or

b. Construction of a new parking area, expansion of an existing parking area by five or more spaces, or any material alteration of the arrangement of any parking area, loading area or related vehicle circulation or maneuvering area; or

c. Any material change in the exterior of a building, landscaping, screening, signage, lighting, or any other feature specifically addressed by the previously approved plan of development.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004; 2010-209-216, §3; 12-13-2010)

Sec. 30-1030.2. Filing of application and submission of plans.

Application and plans shall be submitted to the Director of planning and development review in accordance with written policy established by the Director. Applicants are encouraged to participate in a pre-application conference with appropriate department of planning and development review staff prior to preparation of plans and before filing an application for approval of a plan of development.

(Ord. No. 2004-180-167, 6-28-2004)

Sec. 30-1030.3. Review of plans and action by Director of planning and development review.

After complete submission of the required application and plans as set forth in section 30-1030.2, and after payment of the required plan of development review fee, such plans shall be reviewed by department of planning and development review staff and such other city agencies as deemed appropriate by the Director of planning and development review. Such reviews shall be conducted in accordance with procedures set forth in written policy established by the Director. Upon completion of all reviews, the Director shall:

(1) Approve the plan of development by noting such on the plans; or

(2) Approve the plan of development with conditions noted on the plans or otherwise provided in writing to the applicant; or

(3) Disapprove the plan of development with appropriate notations on the plans or with explanation provided in writing to the applicant indicating the reasons for disapproval or changes necessary to receive approval.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)

Sec. 30-1030.4. Criteria.

The Director of planning and development review shall approve the plan of development if the Director finds the following criteria to be met; otherwise, the Director shall disapprove the plan of development. In reviewing the plan of development and taking action thereon, the Director shall also take into consideration the objectives of the City of Richmond Master Plan as approved and amended by the city council.

(1) *Preservation of landscape and other natural features.* The natural landscape of the site shall be preserved by retaining mature, healthy trees and natural topography except where removal or thinning of trees and alteration of topography is necessary to accommodate building sites, recreation areas, required parking and driveway areas, necessary drainage facilities and utility systems. Appropriate ground cover, trees and other vegetative materials shall be retained or planted to prevent excessive storm water runoff, erosion, siltation and dust, and to enhance the general appearance of the site and its compatibility with nearby sites.

(2) *Arrangement of buildings and spaces:*

a. Buildings shall be located on the site or designed in such a manner that the fronts of buildings do not face into rear yards or service areas of other buildings located either within the site or adjacent to it, except where privacy walls, fences, plant materials or topographic features provide screening therefrom.

b. Where a site abuts an interstate/freeway or principal or minor arterial street as designated in the master plan, railroad or another site developed or intended to be developed for uses potentially incompatible with the proposed use, buildings and open spaces shall be so located, designed and arranged as to provide reasonable separation from such features or uses. Where necessary to achieve such separation, trees or other vegetative materials shall be retained on the site or supplemented by additional planting or the erection of appropriate walls or fences.

(3) *Functions of yards and spaces.* Yards, spaces between buildings and other open spaces required by the provisions of this chapter shall be located with respect to buildings and other site improvements and shall be improved so as to reasonably serve the purposes for which such yards and spaces are intended by this chapter, those purposes being: provision of light and air, separation between buildings, separation between incompatible functions, enhancement of privacy and promotion of public health and safety.

(4) *Parking and circulation:*

a. Driveways and areas for the parking and circulation of vehicles shall be located, designed and improved so as to provide for safe and convenient circulation within the site and safe and convenient access from adjoining streets and shall be in accordance with established traffic engineering standards and the driveway policy of the city. Among factors to be considered shall be the number and location of driveways and access drives to and from adjacent streets and alleys, the distances between such driveways and access drives, the location and width of driveways and access aisles to parking spaces, the arrangement of parking areas and the means of access to buildings for firefighting apparatus and other emergency vehicles. The number of driveways to and from streets shall be the fewest necessary to provide safe and convenient access, and wherever possible, cross-access between abutting sites and shared driveways shall be provided.

b. Parking areas and driveways shall be clearly identified and separated from principal pedestrian routes and recreation areas by curbs, pavement markings, planting areas, fences or similar features designed to promote pedestrian safety.

c. Vehicle access to adjoining streets should be located and designed in accordance with the following criteria:

1. Where the predominant established character of development is urban in nature, typically with buildings located at or near the street line and with no parking located between buildings and the street, vehicle access to the site from arterial and collector streets should be avoided when adequate local street or alley access is available to the site, unless restricting access to a local street or alley would clearly result in an adverse traffic impact on an adjoining residential district. In the case of a corner lot where local street or alley access is not available, vehicle access from the principal street frontage should be avoided.

2. Where the predominant established character of development is suburban in nature, typically with buildings set back from the street line and with parking located between buildings and the street, vehicle access to the site from local residential streets and from alleys abutting residential districts should be avoided when adequate arterial or collector street access is available to the site.

d. Vehicle parking and circulation areas and sidewalks, walkways and other amenities for pedestrian use shall be located, designed and arranged so as to encourage safe pedestrian movement within and adjacent to the site and to minimize conflicts between vehicles and pedestrians.

(5) *Compatibility with surrounding development and community character.* The arrangement and general character of buildings, spaces and other components of the plan of development shall be designed with consideration for compatibility with the established general character of surrounding development and promotion of the community character goals, policies and strategies pertaining to gateways and image corridors, historic and architectural resources, and urban design as set forth in Chapter 9 and elsewhere in the City of Richmond Master Plan, as approved and amended by the city council.

In determining if the above criteria are met, the Director of planning and development review shall consult with appropriate city agencies and may seek such additional technical advice as deemed necessary. The Director shall have the authority to attach conditions to the approval of a plan of development, where such conditions are necessary to ensure conformance with the intent and purpose of the criteria set forth in this article or the regulations set forth elsewhere in this chapter.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)

Sec. 30-1030.5. Authority of zoning administrator.

The zoning administrator shall approve the application for a building permit or for a certificate of use and occupancy after receiving plans from the Director of planning and development review bearing proof of the Director's approval, provided that the zoning administrator is satisfied that the proposed construction and use of the premises conform with the applicable provisions of this chapter. The authority and responsibility of the zoning administrator shall, with respect to applications having been approved by the Director of planning and development review, be the same as for other applications for building permits and for certificates of use and occupancy submitted for the zoning administrator's approval, and nothing in this article shall be construed to abrogate such authority and responsibility.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)

Sec. 30-1030.6. Fees for review.

The fee set forth in appendix A to this Code shall accompany each plan of development.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004; Ord. No. 2007-54-121, § 2, 5-29-2007)

Sec. 30-1030.7. Payment of delinquent real estate taxes.

Approval of a plan of development or an amendment to a plan of development shall not be granted until satisfactory evidence has been presented to the zoning administrator that any delinquent real estate taxes applicable to the subject property have been paid.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)

DIVISION 5. APPEALS, VARIANCES AND EXCEPTIONS

Sec. 30-1040.1. Appeals.

Pursuant to section 17.20 of the Charter and in accordance with such rules and procedures as may be established by the board of zoning appeals, appeals may be taken to the board by any person aggrieved or by any officer, department, board, commission or agency of the city affected by any decision of the administrative officer designated to enforce and administer this chapter.

Sec. 30-1040.1:1. Appeal period.

All appeals shall be taken within 30 days after the decision appealed by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof, provided that appeals shall be taken within 10 days after the decision appealed by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof regarding appeals involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term recurring violations of applicable requirements of this chapter which shall include the following:

(1) Occupancy of recreational vehicles or parking or storing of recreational vehicles, manufactured homes or semitrailers.

(2) Placement, erection or maintenance of temporary signs, temporary sales and display areas, play equipment, vending machines or similar uses.

(3) Placement of portable storage units in required yards.

(4) Parking of vehicles within front yards or street side yards or on unimproved surfaces.

(5) Operation or maintenance of flea markets.

[2010-209-216, §2; 12-13-2010]

Sec. 30-1040.2. Variances and exceptions granted by the board of zoning appeals.

(a) Under such conditions and circumstances as are set forth in section 17.20 of the Charter and in accordance with such rules and procedures as may be established by the board of zoning appeals, variances from and exceptions to the provisions of this chapter may be granted by the board.

(b) A permit implementing the granting of a variance or exception shall not be approved until satisfactory evidence has been presented to the zoning administrator that any delinquent real estate taxes applicable to the subject property have been paid.

(Code 1993, § 32-1040.2; Ord. No. 2004-49-60, § 1, 3-22-2004)

Sec. 30-1040.3. Additional exceptions granted by the board of zoning appeals.

Pursuant to section 15.2-2309 of the Code of Virginia (1950), as amended, the following exceptions to the district regulations or other restrictions may be granted by the board of zoning appeals, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in surrounding areas~~:~~. In granting an exception, the board shall be satisfied that it is consistent with the intent statement and the conditions as set forth in the particular exception, and the board may attach such specific conditions and limitations as it deems necessary to satisfy the general conditions of this paragraph and the intent of the exception. **(No. 2012-74-84, § 1, 6-11-2012)**

(1) *Construction of or additions to dwellings or accessory structures.* Construction of or additions to single-family detached, single-family attached and two-family or multi-family dwellings or accessory structures on lots occupied by such dwellings, when such dwellings, additions or accessory structures cannot meet applicable yard and/or lot coverage requirements. **(No. 2012-74-84, § 3, 6-11-2012)**

Such dwellings, additions or accessory structures shall be permitted, provided the board shall be satisfied that:

a. The intended purpose and use of the dwelling, addition or accessory structure is consistent with the use regulations applicable in the district in which the property is situated;

b. The departure from the applicable yard and/or lot coverage requirements is the minimum necessary to accommodate the intended purpose of the dwelling, addition or accessory structure, and that the dwelling, addition or accessory structure or a similar dwelling, addition or accessory structure serving the same purpose and function cannot reasonably be located elsewhere on the lot in compliance with applicable requirements; and **(No. 2012-74-84, § 3, 6-11-2012)**

c. Any addition to an existing dwelling or construction of or addition to an accessory structure will be in keeping with the architectural character of the existing dwelling on the property, and any newly constructed dwelling or accessory structure will be in keeping with the development pattern of the neighborhood.

Intent statement: Many existing lots in the city are characterized by such small size, irregular configuration or other condition that current yard and/or lot coverage requirements severely inhibit their development for permitted dwelling use consistent with modern day dwelling needs. Also, a large number of dwellings in the city were constructed many years ago and do not meet contemporary needs of owners or occupants with regard to size, number, function or amenities of rooms and other living spaces. Many dwellings were constructed on relatively small lots and/or were constructed in a manner that current yard or lot coverage requirements do not enable additions to or construction of accessory structures for dwellings that are desired by owners or occupants to modernize or improve the functionality and livability of their properties. It is often desirable to permit construction of new dwellings, additions or accessory structures to encourage improvement of property, increase opportunities for home ownership, retain residents in the city and promote neighborhood improvement. **(No. 2012-74-84, § 1, 6-11-2012)**

(2) Lot division to create buildable lots. Division of a lot which is undeveloped or a lot which is developed with single-family detached, single-family attached, two-family or multifamily dwellings, with or without accessory structures, when such lot or such lot and dwellings are existing on the effective date of the ordinance from which this subsection is derived, into two or more lots for purposes of single-family detached, single-family attached, two-family or multifamily dwelling use, when the lots created by such division cannot meet applicable lot area, lot width, usable open space, lot coverage or side yard requirements.

The division of such lot shall be permitted, provided that:

a. Such lot shall have previously consisted of legal lots of record that were subsequently combined by deed or other action, and the number of lots to be created shall not exceed the number of previously existing lots of record. The configuration of the lots to be created by the division need not be the same configuration as the previously existing lots of record.

b. The use of all lots created by the division shall be consistent with the use regulations applicable in the district in which the property is situated;

c. All new lots shall comply with section 30-610.1 regarding public street frontage and access to lots.

d. The off-street parking requirements of this chapter shall be met.

e. Except where buildings are attached, Each lot created by the division shall be provided with a side yard and street side yard, where applicable, adjacent to each side lot line of not less than ten percent of the width of the lot, but in no case less than three feet, except in the case of an existing dwelling having an existing side yard of less width.

f. The division shall comply with the applicable requirements of chapter 94 of this Code regarding the subdivision of land.

g. The board shall be satisfied that the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property, and that dwellings to be constructed on the lots will be compatible with dwellings existing or to be constructed in the immediate vicinity of the property.

Intent statement. In many older areas of the city, properties were originally subdivided into relatively small lots for purposes of single-family detached, single-family attached, two-family or multifamily development. In some cases, such lots were subsequently combined for purposes of creating an unusually large building lot or to simplify deeds or other transactions, and were developed with a single-family, two-family or multifamily dwelling or left undeveloped. In most instances, such lots cannot be divided in compliance with current lot area, lot width, side yard, usable open space or lot coverage requirements, although such division would result in lots that are consistent with the predominant established lot sizes and development pattern in the immediate vicinity of the property. It is often desirable to permit the division of these lots to increase opportunities for infill housing development that is compatible with the surrounding neighborhood.

(No. 2012-74-84, § 3, 6-11-2012)

(3) *Existing two-family dwelling use.* The use of a property containing a two-family dwelling existing on the effective date of this provision, located within a district which permits two-family dwellings, which does not comply with applicable lot area requirements, and for which a building permit, certificate of use and occupancy or certificate of zoning compliance was previously issued for two-family use, where such use has been continuous since the issuance thereof.

The continued use of these properties as two-family dwellings shall be permitted, provided that:

a. The applicant can show that the property was acquired in good faith. The board shall consider, among other factors, the extent to which the present and/or previous owners relied on previously issued permits or other actions by the city, or representations by sellers, agents, attorneys or others involved in the acquisition of the property;

b. A minimum lot area of 1,700 square feet shall be provided;

c. A minimum of two off-street parking spaces shall be provided.

Intent statement: In many older areas of the city zoned to permit two-family dwellings, some existing single-family dwellings were converted to two-family dwellings in violation of applicable lot area requirements. In some instances, permits were issued by the city for these conversions. Other conversions occurred without the benefit of any permits, but subsequently building permits for additions or alterations, certificates of use and occupancy or certificates of zoning compliance may have been issued. The lots on which these two-family dwellings exist are often similar in size to other legally existing two-family dwellings. The lot area and off-street parking requirements contained in the conditions in this subsection are those which were in effect prior to June 1, 1960, in those areas of the city where many of these conversions took place.**(No. 2012-74-84, § 3, 6-11-2012)**

(No. 2012-74-84, § 3, 6-11-2012)

(4) *Existing multifamily dwelling use.* The use of a property containing a multifamily dwelling existing on the effective date of this provision, located within a district which permits two-family or multifamily dwellings, which does not comply with applicable lot area and/or off-street parking requirements, and for which a building permit, certificate of use and occupancy or certificate of zoning compliance was previously issued for the existing use, where such use has been continuous since the issuance thereof.

The continued use of these properties as multifamily dwellings shall be permitted, provided that:

a. The subject property shall have been zoned to permit multifamily dwellings at the time such use was created, or was subsequently zoned to permit multifamily dwellings, and the applicable lot area and/or off-street parking requirements were not met;
b. The applicant can show that the property was acquired in good faith. The board shall consider, among other factors, the extent to which the present and/or previous owners relied on previously issued permits or other actions by the city, or representations by sellers, agents, attorneys or others involved in the acquisition of the property;

c. A minimum of 850 square feet of lot area shall be provided for each dwelling unit;

d. A minimum of two thirds of a parking space shall be provided for each dwelling unit;

e. The board shall be satisfied that the design or configuration characteristics unique to the existing building would render it impractical or not economically viable for uses permitted by applicable provisions of the ordinance. The board may, in its discretion, in consideration of the design or configuration characteristics of the building and the character of the immediate surrounding neighborhood, grant a lesser number of dwelling units than requested.

Intent statement: In many older areas of the city, some existing single and two-family dwellings were converted to multifamily dwellings, or additional units were added to existing multifamily dwellings, in violation of applicable lot area and/or off-street parking requirements. In some instances, permits were issued by the city for these conversions. Other conversions occurred without the benefit of any permits, but subsequently building permits for additions or alterations, certificates of use and occupancy or certificates of zoning compliance may have been issued. The lots on which these multifamily dwellings were developed are often similar in size to other legally existing multifamily dwellings. The lot area and off-street parking requirements contained in the conditions of this subsection are those which were in effect prior to June 1, 1960, in those areas of the city where many of these conversions took place.

(No. 2012-74-84, § 3, 6-11-2012)

(5) *Dwelling units in UB, B and RF districts*. The provisions in the use regulations of the UB, B and RF districts limiting the amount and/or location of floor area within the building that may be devoted to dwelling units or providing that certain portions of the ground floor of the building shall be devoted to other permitted principal uses~~.~~, provided that:

a. The applicant has demonstrated to the satisfaction of the board that, due to the existing or projected land uses of properties on the same block, there is no purpose to be served by providing for uninterrupted commercial frontage on the property, or that ground floor commercial space on the property is either not physically practical or not economically viable;

b. The applicant has demonstrated to the satisfaction of the board that granting the exception will increase residential occupancy thereby facilitating a mixed use character of the district in which the property is located consistent with objectives for mixed use in the area;

c. The applicant has demonstrated to the satisfaction of the board that any alterations to the building will not be architecturally incompatible with the dominant character of building facades on the block;

d. The board may attach such conditions as it deems necessary to ensure that the building facade fenestration and the location and nature of pedestrian and vehicular ingress and egress are compatible with the surrounding area.

Intent statement. There are areas within UB, B and RF districts in the city where the established or projected character of development suggests that uninterrupted commercial frontage is not the most desirable form of development and/or that a mixed use character of development with a large dwelling component would be more advantageous to the livability and economic viability of the area. Also, there are properties and existing buildings within such districts where it is not physically or economically viable to establish ground floor commercial space or to limit the amount or location of ground floor area devoted to dwelling units. In such instances, there is a need for flexibility in application of the restrictions on the use of ground floor space within a building, so long as new or renovated buildings are functionally and architecturally compatible with the surrounding area.

(No. 2012-74-84, § 3, 6-11-2012)

(6) *Accessory lodging units within a single-family dwelling*. Not more than two accessory lodging units within an owner-occupied single-family detached dwelling located in any district, provided that:

(a) The applicant can show to the satisfaction of the board that the dwelling unit is of such size and arrangement that the lodging units can reasonably be accommodated, and that incorporating such lodging units within the dwelling will not create potential adverse impacts on adjoining and surrounding properties;

(b) When one lodging unit is located within a dwelling, not more than two persons shall occupy such lodging unit, and when two lodging units are located within in a dwelling, not more than one person shall occupy each lodging unit. At the request of the zoning administrator, the premises shall be made accessible to the zoning administrator by the owner of the property for purposes of verification of compliance with occupancy limitations;

(c) There shall be no addition or exterior modification to the dwelling to accommodate the lodging units, and there shall be no signage or other evidence visible from the exterior of the dwelling to indicate that it contains lodging units;

(d) At the discretion of the board, and to the extent that it does not detract from the single-family character of the property or the surrounding area, one off-street parking space shall be provided for each lodging unit.

Intent statement. Many single-family detached dwellings in the city are of such size and/or contain such numbers of rooms that the dwelling exceeds the needs of the owner-occupant family or results in an excessive physical or economic burden on the owner to provide adequate maintenance and upkeep. In some instances it is desirable to convert a room or group of rooms within such dwelling to one or two accessory lodging units with limited occupancy in order to enable more reasonable physical utilization or greater economic use of the dwelling and to enhance the potential for adequate maintenance and upkeep, continued owner-occupancy and avoidance of pressures for conversion to additional dwelling units or to non-dwelling use, provided that the single-family character of the property is preserved and there are no adverse impacts on the surrounding neighborhood.

(No. 2012-74-84, § 3, 6-11-2012)

(7) *Dwelling unit in an accessory building in a single-family residential district.* One dwelling unit located in an accessory building which is existing on the effective date of this provision and which is located on the same lot as an owner-occupied single-family dwelling within any R-1 through R-5 single-family residential district, provided that:

a. The board is satisfied from evidence provided by the applicant that the accessory building was previously lawfully occupied by a dwelling unit for domestic employees, a dwelling unit existing prior to establishment of zoning in the city or a dwelling unit previously authorized by the board;

b. The board is satisfied that the area of the lot, lot coverage and location of the accessory building on the lot are such that the dwelling unit will not result in overcrowding of the lot or any adverse impact on adjoining or surrounding property;

c. The use of the main building shall be limited to a single-family dwelling and shall not include accessory lodging units;

d. The use of the accessory building shall be limited to one dwelling unit in addition to permitted accessory uses;

e. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Uniform Statewide Building Code, and exterior modifications to the structure shall be in keeping with the architectural character of the existing dwelling on the property;

f. Not less than one off-street parking space shall be provided for the dwelling unit in the accessory building;

g. Access to the accessory building shall be provided in accordance with the requirements of the department of public works and the department of fire and emergency services.

Intent statement: In many older areas of the city, some residential properties were developed with accessory buildings which were originally designed and used for carriage houses, dwellings for domestic employees or other dwelling purposes. With the exception of dwellings for domestic employees, dwelling units in accessory buildings in single-family districts have been prohibited since zoning was established in the city. In some cases, such dwelling units have been authorized by the board. Some accessory buildings have previously been lawfully occupied by a dwelling unit and are located on lots large enough to accommodate such use. They are well suited for such use and are worthy of preservation, but some are in poor condition. Permitting a dwelling unit within them would encourage their renovation or continued maintenance and would be in the best interest of the neighborhood, provided that the additional dwelling unit would not result in overcrowding of the lot or any adverse impact on adjoining or surrounding property.

(No. 2012-74-84, § 3, 6-11-2012)

(8) *Dwelling unit in an accessory building in a district permitting two-family dwelling use.* One dwelling unit located in an accessory building, containing two or more stories, which is existing on the effective date of this provision and which is located on the same lot as a single-family dwelling within districts which permit two-family dwellings when the applicable lot area requirements for two-family dwelling use cannot be not met. , provided that:

a. The use of the main building shall be limited to a single-family dwelling and shall not include accessory lodging units;

b. The use of the accessory building shall be limited to one dwelling unit in addition to permitted accessory uses;

c. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code, and exterior modifications to the structure shall be in keeping with the architectural character of the existing dwelling on the property;

d. Not less than One off-street parking space shall be provided for the dwelling unit located in the accessory building;

e. Access to the accessory building shall be provided in accordance with the requirements of the department of public works and the department of fire and emergency services.

Intent statement: In many older areas of the city zoned to permit two-family dwellings, some residential properties were developed with accessory buildings containing two or more stories which were originally designed for use as stables, carriage houses and/or domestic employees' quarters. With the exception of domestic employees' quarters, residential occupancy of accessory buildings has been prohibited since 1927. Many of these accessory buildings are currently being occupied and/or rented for non-employee residential use. In some instances, residential use has been approved by city council or the commission of architectural review. However, many of these accessory buildings have been occupied or were converted illegally. Most of these structures are worthy of preservation, but many are in poor condition. Permitting a dwelling unit within these accessory buildings would encourage their renovation and/or continued maintenance.

(No. 2012-74-84, § 3, 6-11-2012)

(9) *Home occupation use of an accessory building.* A home occupation as defined in section 30-1220 of this chapter and conducted within a completely enclosed accessory building, provided that:

a. Home occupation use of accessory buildings shall be limited to offices, including business, professional and administrative offices, and studios of writers, designers or artists engaged in the graphic arts.

b. All of the conditions set forth in section 30-694.1 of this chapter shall be met, except that the board may impose such conditions and further limitations as it may deem necessary in the public interest.

c. The applicant demonstrates to the satisfaction of the board that such home occupation will not result in any greater impacts on adjoining and surrounding properties than would result if the home occupation were conducted within the dwelling unit.

Intent statement: It is the intent of this exception to enable limited home occupation use of an accessory building in a manner that will not result in adverse impacts on adjoining properties by providing review by the board with consideration for the specific characteristics of the home occupation, the location and nature of the accessory building and its relation to adjoining and surrounding properties, and with the opportunity for the board to impose such conditions and safeguards as necessary.

(No. 2012-74-84, § 3, 6-11-2012)

(10) *Height of fences and walls in side yards, rear yards and certain front yards.* Fences and walls not exceeding eight feet in height when located within a required side yard, rear yard, street side yard on a corner lot, required front yard along the longer street frontage of a corner lot or a required front yard adjacent to the rear of a main building located on a through lot. For purposes of this subsection, the height of a fence or wall shall be measured from the ground level at the base of the fence or wall, and shall include the height of posts, columns, gates and ornamentation.

Fences and walls of such height shall be permitted, provided the board shall be satisfied that:

a. The property on which the fence or wall is to be constructed is devoted to a conforming dwelling use.

b. The applicant has demonstrated that the proposed height of the fence or wall is reasonably necessary to provide security for the property and/or to provide a buffer from noise and activity on the adjacent street.

c. The design and construction materials of the fence or wall will be compatible with the main building and other structures located on the lot and with the general character of development in the immediate surrounding area.

d. The fence or wall will not unreasonably impair light and air to adjacent property, and will not impair necessary visibility for operators of motor vehicles at any intersection of the adjacent street with an alley, driveway or other street.

e. The fence or wall will be constructed in compliance with applicable requirements of the Virginia Uniform Statewide Building Code.

Intent statement. In many neighborhoods in the city, corner properties are situated at intersections where the street along the side of the property carries volumes of traffic or generates traffic noise that is disruptive to and not conducive to dwelling use of the property or to the use and enjoyment of the rear yard area of the lot. In addition, such corner properties are sometimes in need of enhanced security measures for the property in general and the rear yard area in particular. Also, many properties are situated adjacent to alleys or constitute through lots, resulting in similar traffic or security issues, or are situated relative to adjacent properties whereby adequate security or privacy cannot be afforded under normal fence and wall height limitations. It is often desirable in such situations to permit greater height of fences and walls than normally permitted by the zoning regulations in order to provide a more effective buffer from the street, alley or adjacent property or to provide greater security and privacy for the property as means to promote dwelling use and enjoyment of the property.

(No. 2012-74-84, § 3, 6-11-2012)

(11) *Off-street parking.* The provisions setting forth the number of off-street parking spaces required for a use or required in the case of a change in a nonconforming use, provided that:

a. The applicant has demonstrated to the satisfaction of the board that, based on the character of uses and the availability of parking in the surrounding area, the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood;

b. The applicant has demonstrated to the satisfaction of the board that adequate parking to serve the needs of the use is provided on the site or within reasonable and convenient proximity of the use, either on a public street or off-street;

c. The applicant has demonstrated to the satisfaction of the board that the number, location and arrangement of parking spaces intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation including, but not limited to, its scale, hours of operation and the amount of walk-in customer or client traffic from the adjacent neighborhood;

d. In any case where off-street parking spaces required to serve a use are provided off the premises devoted to such use, the applicant shall submit written certification to the board on an annual basis, by no later than the anniversary date of the exception granted, as to the continued availability of the off-premises parking spaces. Failure of the applicant to submit such certification shall be grounds for revocation of the exception;

Intent statement. There are many properties in the city that are inhibited from being devoted to reasonable use due to the inability to provide the required number of off-street parking spaces, or due to the prohibition of a change in a nonconforming use when a proposed new use is required to be provided with more off-street parking than the existing use, but would otherwise be permitted by the nonconforming use provisions. In many such cases, there may be particular potential uses having unique characteristics that result in a need for fewer off-street parking spaces than generally required for the use by the zoning provisions and/or there may be excess parking spaces available in the immediate vicinity of the property that can adequately serve the needs of the use. In cases where such properties are not concentrated in an area that would be appropriate for application of a parking overlay district or where nonconforming uses are involved, there is a need to address the off-street parking requirements on a site-specific basis and in a manner that enables reasonable use of the property and does not create a shortage of parking or other adverse impact on the area.

(No. 2012-74-84, § 3, 6-11-2012)

(12) *Nonconforming use*: *Lot division to accommodate existing buildings.* Division of a lot~~,~~ developed with one or more nonconforming uses existing on the effective date of this provision into two or more lots. (For division of a lot to accommodate permitted single-family detached, single-family attached, two-family or multifamily dwellings, see section 30-620.5.)

The division of such lot~~s~~ shall be permitted, provided that:

a. The applicant can show to the satisfaction of the board that the property was acquired or the current use was established in good faith, that the buildings cannot reasonably be devoted to conforming uses, and that such division will not increase potential adverse impacts of the nonconforming use on adjoining and surrounding properties;

b. All new lots shall comply with section 30-610.1 of this chapter regarding public street frontage and access to lots;

c. The division shall result in at least one main building being located on each lot, and lot area, lot width, yards and existing off-street parking shall be allocated to the newly created lots on a basis reasonably proportional to the buildings and uses contained on each lot;

d. If the off-street parking requirements of the current ordinance are not met, reasonable efforts shall be made to provide additional off-street parking to meet those requirements;

e. The division shall not result in the ability to create additional dwelling units or to accommodate other uses which would not have otherwise been permitted prior to the division.

f. The division shall comply with the applicable requirements of chapter 25 of this Code regarding the subdivision of land.

Intent statement. In many older areas of the city, some properties were originally developed with more than one main building on a lot, or several separately developed lots under common ownership were combined for purposes of simplifying deeds or other transactions. In many instances, the uses on these properties are nonconforming under current use regulations, resulting in prohibition of the lots being divided. It is often desirable to permit division of these properties into separate lots in order to enhance their potential for reasonable economic use and to increase opportunities for individual ownership, including owner occupancy, or to facilitate financing, insurance or resale~~.~~, particularly in cases where There is no practical difference in the intensity of uses of the properties as a result of the division.

(No. 2012-74-84, § 3, 6-11-2012)

(13) *Nonconforming use: enlargement, extension or alteration.* Enlargement, extension or structural alteration of a building or structure devoted to a nonconforming use; extension or expansion of a nonconforming use within a building or structure; or construction of an accessory building or structure to serve an existing nonconforming use; provided that:

a. The applicant can show to the satisfaction of the board that such enlargement, extension, expansion, alteration or construction is primarily for the purpose of enabling the nonconforming use to be operated more efficiently or safely and in a manner that does not adversely impact adjoining and surrounding properties;

b. In no case shall the amount of floor area devoted to the nonconforming use be increased more than ten percent;

c. There shall be no increase in the number of dwelling units on the property, nor shall the granting of such exception result in noncompliance with any yard, open space, parking or other requirements of this chapter or any increase in the degree or extent of any nonconforming feature;

d. There shall be no increase in the area of any lot devoted to a nonconforming use, unless such increase is for purposes of enhancing screening, buffering, separation or other amenities or means of protection for adjoining and surrounding properties; and

e. In all other respects the property shall continue to be subject to the rights and limitations set forth in article VIII of this chapter relative to nonconforming uses, except that the board may impose such conditions and further limitations as it may deem necessary in the public interest.

Intent statement: Due to the large number and wide variety of nonconforming uses in the city, there is a need for flexibility and discretion in their treatment in order to recognize that in many cases continuation, improvement and modernization of a nonconforming use is in the best interest of the city and is necessary to enable reasonable use of a building that may have little or no other use potential. Modest expansion, enlargement, structural alteration or addition of accessory facilities, together with improvements to enhance the compatibility of a nonconforming use, is a preferable alternative to vacant, underutilized or poorly-maintained properties in cases where conversion to conforming uses is not practicable.

(No. 2012-74-84, § 3, 6-11-2012)

(14) *Nonconforming use: reestablishment or change in use.* Re-establishment of or change in a nonconforming use of a building or structure which has been discontinued for a period of two years or longer, provided that:

a. The property owner can show to the satisfaction of the board that the property was acquired or the current use was established in good faith and that the building or structure cannot reasonably be devoted to a conforming use;

b. If a nonconforming use is changed to a more restricted use or a conforming use, the board shall not authorize re-establishment of the nonconforming use or any change to a less restricted use;

c. If the building or structure is vacant or the nonconforming use has been changed to an illegal use, the board may authorize re-establishment of the last nonconforming use or change to a use that meets all of the criteria set forth in subsection 30-800.3(a) of this chapter, except that the board may authorize change to a use that does not meet the off-street parking criteria of that subsection if the board finds that the change will not result in an adverse impact on the neighborhood due to an inadequate supply of parking; and

d. In all other respects the property shall continue to be subject to the rights and limitations set forth in article VIII of this chapter relative to nonconforming uses, except that the board may impose such conditions and further limitations as it may deem necessary in the public interest.

Intent statement: In some cases, nonconforming uses have been discontinued and buildings have remained vacant for a period of two years or longer where there was no intent to relinquish the nonconforming rights associated with the property. In other cases, nonconforming uses have been changed to uses in violation of applicable provisions of this chapter. In many of these instances, the buildings in question have little or no potential for conforming uses, and occupancy by the last nonconforming use, a more restricted use or other limited use would result in reasonable economic use and improvement of the property and would be in the best interest of the neighborhood and the general public.

(No. 2012-74-84, § 3, 6-11-2012)

(15) *Nonconforming use: reduction in lot area.* Reduction in the area of a lot on which a nonconforming use is located, provided that:

a. The applicant can show to the satisfaction of the board that such reduction will not increase potential adverse impacts of the nonconforming use;

b. There shall be no reduction in the area of any lot devoted to a nonconforming dwelling use~~,~~ located in a single-family residential district. For purposes of this provision, the division of a lot shall not be construed to constitute reduction in the area of the lot. In districts other than single-family residential districts, the area of a lot devoted to a nonconforming dwelling use may be reduced to not less than the lot area required for the dwelling use in the R-63 district;

c. The reduction shall not result in noncompliance with any lot area, lot width, yard, open space, lot coverage or off-street parking requirements applicable in the district in which the property is located or any increase in the degree or extent of any nonconforming feature;

d. In all other respects the property shall continue to be subject to the rights and limitations set forth in article VIII of this chapter relative to nonconforming uses, except that the board may impose such conditions and further limitations as it may deem necessary in the public interest.

Intent statement. Reduction in the area of a lot on which a nonconforming use is located is generally prohibited by this chapter since in most cases it would increase the intensity of the use and its potential adverse impacts on adjoining and surrounding properties. However, some properties devoted to nonconforming uses are of such large size or are developed, arranged or used in such a manner that reduction in the area of the lot would reduce the extent or intensity of the use or result in equal or greater compatibility with neighboring uses. Reduction in lot area in such cases could result in less area devoted to outdoor activity, reduction in the number of buildings on a site or reduction in overall area of the nonconforming use. It may enable the area removed from the lot to be devoted to conforming use, landscaped buffer or other use beneficial to adjoining and surrounding properties.

(No. 2012-74-84, § 3, 6-11-2012)

(16) *Nonconforming use: addition of accessory off-street parking.* The addition of accessory off-street parking spaces to serve a nonconforming use, provided that:

a. The nonconforming use shall be located in a district other than an R district, unless the nonconforming use is a dwelling use as defined in section 30-1220 of this chapter;

b. The accessory off-street parking spaces shall be located on the same lot as the nonconforming use, or on a contiguous lot;

c. The total number of accessory off-street parking spaces existing and to be provided for the nonconforming use shall not exceed the number of spaces required for the use by the provisions of article VII of this chapter;

d. The addition of accessory off-street parking spaces shall not result in the demolition of any main building;

f. All applicable off-street parking improvement requirements and landscaping standards set forth in division 2.1 of article VII of this chapter shall be met where feasible, as determined by the board, provided that the board may impose such conditions and further limitations as it may deem necessary in the public interest;

g. The applicant has shown to the satisfaction of the board that such additional accessory off-street parking spaces will not result in any greater adverse impacts on adjoining and surrounding properties than would result without the additional parking.

Intent statement. The addition of off-street parking spaces to serve a nonconforming use is generally prohibited by this chapter, since it constitutes extension or expansion of the nonconforming use. However, there are instances in the city where nonconforming uses are likely to continue to exist and are generally not detrimental to adjacent and surrounding properties, but where such nonconforming uses are not provided with adequate off-street parking to meet the needs of the use or to avoid adverse impacts on the surrounding area. It is the intent of this exception provision to enable the addition of off-street parking spaces to serve such nonconforming uses in order to relieve potential on-street congestion and to provide adequate parking in a manner that will not result in adverse impacts on neighboring properties, by providing review by the board with consideration for the specific characteristics of the use and its relation to adjoining and surrounding properties, and with the opportunity for the board to impose such conditions and safeguards as necessary.

(No. 2012-74-84, § 3, 6-11-2012)

(17) *Building height.* The maximum permitted building height in any district except R-1 through R-8 districts, provided that:

a. The proposed use of the building shall be consistent with the use regulations applicable in the district in which the property is located;

b. Applicable off street parking requirements shall be met, unless the board in a specific case grants a variance from or exception to the off-street parking requirement pursuant to the provisions of this division;

c. The applicant has demonstrated to the satisfaction of the board that the additional height authorized by such exception will not unreasonably impair light and air to adjacent or nearby property and will not unreasonably impair prominent views of significant land, water or other features from public spaces or from adjacent or nearby property;

d. The board shall be satisfied that the design, construction materials and overall mass of the building will be compatible with the general character of development in the immediate surrounding area.

Intent statement. In some cases, due to unusual conditions such as location, topography, other site conditions, lot orientation or the established or changing character of nearby development, the building height limit applicable in the district in which a property is located is not conducive to achieving the full development potential of the property consistent with the general intent of the district. Additional building height may also be appropriate where taller buildings are located nearby and to establish a transition from taller buildings to buildings of less height, or to enable the maximum permitted residential density or non-residential intensity on a site while preserving open space at ground level where needed. In such cases, flexibility to enable additional building height is desirable as a means to adapt to unusual conditions, enhance the economic viability of the property and promote economic development for the benefit of the general public, so long as light and air, prominent views and the character of the surrounding area are adequately protected.

(No. 2012-74-84, § 3, 6-11-2012)

(18) *Freestanding signs.* The height and yard provisions applicable to permitted freestanding signs, other than billboard signs, provided that:

a. The applicant has demonstrated to the satisfaction of the board that, due to topography or configuration of the site, elevation of the site relative to the elevation of the adjacent street, curvature of the adjacent street, structural improvements or vegetation on the site or on adjoining properties, or similar physical constraints, the height and/or yard requirements applicable to a permitted freestanding sign on the site would prohibit or unreasonably impair visibility of such sign from the adjacent street;

b. The applicant has demonstrated to the satisfaction of the board that the proposed height and location of the freestanding sign is the minimum departure from the regulations necessary to enable adequate identification of the use of the property, taking into consideration the nature of such use and character of the surrounding area, and is not for the purpose of affording a competitive advantage for the use of the property;

c. The applicant has demonstrated to the satisfaction of the board that the proposed freestanding sign will not impair public safety, will not interfere with visibility of traffic on adjacent streets or driveways intersecting streets, and will not unreasonably impair visibility of traffic signs, directional signs or other permitted identification signs in the area;

d. The board may attach such conditions and safeguards as it deems necessary to carry out the intent of this subsection including, but not limited to, the size, location, configuration and illumination of the proposed freestanding sign and other signs on the property.

Intent statement. There are instances in the city where adequate identification of uses is not afforded by the height limitations and/or yard regulations applicable to permitted freestanding signs because of unusual physical characteristics of the property or the adjacent area. In such instances, there is a need for flexibility in application of the height and/or yard regulations for freestanding signs to enable adequate identification for the convenience of the public and to promote the economic viability of the uses such signs are intended to identify, so long as public safety is safeguarded, visibility of other permitted signs in the area is not impaired and the character of the freestanding sign is appropriate for the property and the surrounding area.

(No. 2012-74-84, § 3, 6-11-2012)

(Code 1993, § 32-1040.3; Ord. No. 2004-49-60, § 1, 3-22-2004; Ord. No. 2005-339-2006-10, § 1, 1-9-2006; Ord. No. 2006-293-304, § 1, 12-11-2006; Ord. No. 2007-111-81, § 1, 4-23-2007; Ord. No. 2007-112-82, § 1, 4-23-2007; Ord. No. 2007-113-83, § 1, 4-23-2007; Ord. No. 2007-283-248, § 1, 11-12-2007; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2008-45-63, § 1, 3-24-2008; **No. 2012-74-84, § 3, 6-11-2012**)

Sec. 30-1040.4. Variances granted by the zoning administrator.

(a) Pursuant to section 15.2-2286 of the Code of Virginia (1950), as amended, and in accordance with the following criteria, the zoning administrator shall be authorized to grant such variances from the yard requirements of this chapter as set forth in subsection (b) of this section.

(1) The zoning administrator finds in writing that:

a. The strict application of the ordinance would produce undue hardship;

b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

c. The authorization of the variance will not be of substantial detriment to adjacent property; and

d. The character of the zoning district will not be changed by the granting of the variance.

(2) A variance granted by the zoning administrator shall be the minimum necessary to relieve the hardship.

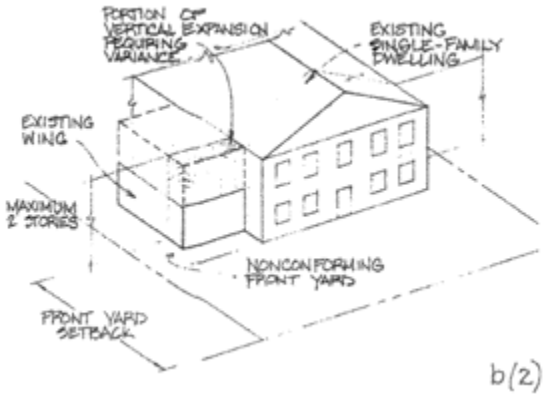
(3) Prior to the granting of a variance, the zoning administrator shall give all adjoining property owners, as shown on the current real estate tax assessment records of the city, written notice of the request for the variance. Such owners shall be given an opportunity to respond to the request within 21 days of the date of the notice. If any adjoining property owner objects to said request in writing within the time specified above, the request shall be transferred to the board of zoning appeals for decision in accordance with the rules of procedure of the board.

(4) Applications for variances authorized under this section shall be submitted to the zoning administrator on forms provided by the zoning administrator for such purpose, along with such plans as required by the zoning administrator, and shall be accompanied by a fee as set forth in appendix A of this Code, which fee shall be paid into the treasury of the city.

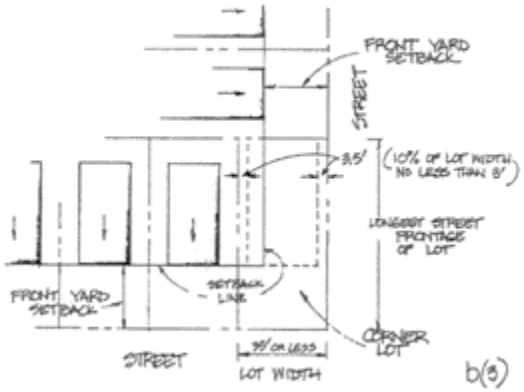
(b) The zoning administrator shall be authorized to grant a variance from:

(1) The interior side yard and rear yard requirements set forth in this chapter for single-family and two-family detached and attached dwellings and their accessory structures;

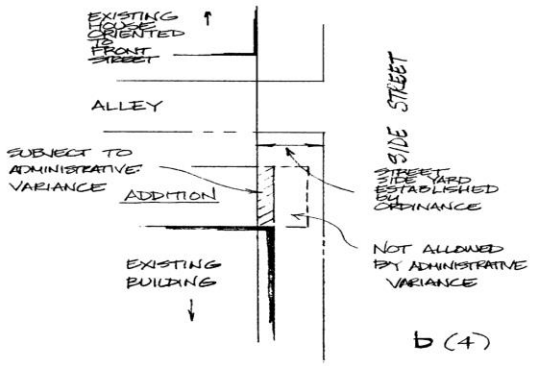
(2) Section 30-810.1 of this chapter to enable no more than a second story vertical expansion of an existing building devoted to a single-family detached dwelling which is nonconforming with regard to the front yard or street side yard requirement;



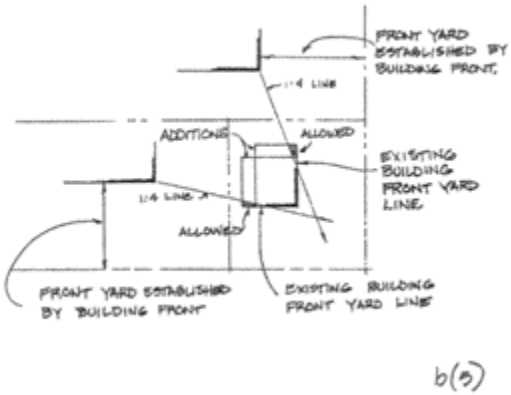
(3) Section 30-630.1(a) of this chapter with regard to the depth of the required front yard along the longer street frontage of the lot for construction of or an addition to a single-family detached dwelling located on a corner lot of record existing on April 25, 2005 and having a width of 35 feet or less, provided that no such variance shall permit a front yard with a depth less than ten percent of the width of the lot, and in no case less than three feet;



(4) Section 30-630.1(a) of this chapter with regard to the depth of the required street side yard in the case of an addition to a single-family detached dwelling existing on April 25, 2005, provided that no such variance shall permit a street side yard with a depth less than the street side yard provided for the existing building;



(5) Section 30-630.2(b)(2) of this chapter with regard to the depth of a required front yard on a corner lot in the case of an addition to a single-family detached dwelling existing on April 25, 2005 when such addition would have a front yard equal to or greater than the minimum required by the district regulations, provided that no such variance shall permit a front yard with a depth less than the front yard provided for the existing building.



(Ord. No. 2004-49-60, § 2, 3-22-2004; Ord. No. 2005-51-46, § 1, 4-25-2005)

DIVISION 5.1. CONDITIONAL USE PERMITS

Sec. 30-1045.1. Intent.

Pursuant to Code of Virginia, §§ 15.2-2286, 15.2-2303, conditional use provisions are intended as a means for the city council, after review and recommendation by the planning commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted by right. Such uses may or may not be appropriate at a particular location in the district depending on surrounding land uses, other site-specific factors, and determination in each case of potential local impacts from the use and the measures proposed by the applicant to mitigate any adverse impacts. The conditional use permit procedure provides the opportunity for the city council to review each proposed conditional use and to approve or disapprove the use or impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area and consistent with the purposes of this chapter.

Sec. 30-1045.2. Required; effect.

(a) *Required for certain uses.* A use indicated as permitted as a conditional use in article IV of this chapter shall be authorized only upon approval of a conditional use permit by the city council in accordance with this article.

(b) *Effect of conditional use listing.* The listing of a use as being permitted in a particular district by conditional use permit does not constitute assurance or presumption that a conditional use permit for such use will be approved. Approval of a conditional use permit for a particular use at a specific location within a district is subject to evaluation by the city council and a determination in each case based on the standards and conditions set forth in this article.

(c) *Relation to other permits.* Building permits, certificates of use and occupancy and certificates of zoning compliance and related reviews and approvals required by this chapter are required for conditional uses in the same manner as for other uses. No building permit, certificate of use and occupancy or certificate of zoning compliance for a conditional use or for a building devoted to a conditional use shall be issued unless a conditional use permit has been approved.

(d) *Existing uses.* A use lawfully existing at the effective date of the ordinance from which this division is derived which is specified as a conditional use in the district in which it is located and for which no conditional use permit has been approved shall not be considered a nonconforming use because of its classification as a conditional use, nor shall the lack of a conditional use permit be considered a nonconforming feature of such use, provided that:

(1) No building permit, certificate of use and occupancy or certificate of zoning compliance involving expansion of such use or major reconstruction, enlargement or moving a building devoted to such use shall be issued, nor shall any material change in the program or operating characteristics of such use take place that would increase the intensity of the use, unless a conditional use permit is approved in accordance with this article;

(2) Except as provided in subdivision (3) of this subsection (d), whenever such use is discontinued for a period of two years or longer, whether or not equipment or fixtures are removed, the use shall not be reestablished unless a conditional use permit is approved in accordance with this article; and

(3) When a building devoted to such use is damaged by fire, explosion, act of God or the public enemy to any extent, such building may be restored, repaired, reconstructed and used as before the damage without approval of a conditional use permit, provided that the floor area devoted to the use shall not be increased, and provided further that application for a building permit for the restoration, repair or reconstruction shall be submitted within two years of the date of damage. **(Ord. No. 2011-29-150, § 12, 9-12-2011)**

Sec. 30-1045.3. Application.

Applications for conditional use permits shall be submitted to the department of planning and development review and may be filed by the owner or with the written consent of the owner of the property which is the subject of the proposed conditional use permit. Applications shall be accompanied by an applicant's report describing the proposed conditional use and explaining the manner in which it complies with the requirements and standards of this chapter, together with such plans and other information as set forth in written administrative policy adopted by the planning commission.

Sec. 30-1045.4. Procedure for issuance.

(a) *Review by staff.* Staff of the Department of Planning and Development review shall review each application for a conditional use permit and forward the application to the Planning Commission along with a report indicating the manner in which the proposed conditional use complies or does not comply with this chapter and its recommendations regarding approval, disapproval or conditions to be attached.

(b) *Action by Planning Commission.* The Planning Commission shall review each conditional use permit application for compliance with this chapter and shall provide a recommendation to the City Council in accordance with the following:

(1) The commission shall hold a public hearing on the conditional use permit application. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. (Ord. No. 2019-085 §(1); 4-22-2019)

(2) After holding a public hearing, the Commission may recommend approval or disapproval of the conditional use permit or that additional conditions be imposed. In making its recommendation, the Commission shall consider at least the standards indicated in section 30-1045.5.

(3) Action by the Commission shall be in the form of a motion, giving the reasons for its action.

(4) When the Commission is unable to adopt a motion to recommend approval or disapproval, it shall forward a written report to the City Council stating such fact and summarizing its discussions on the matter.

(5) Failure of the Commission to provide a recommendation or report to the City Council within 100 days after the first meeting of the Commission at which the conditional use permit application appears on its agenda shall be considered a recommendation of approval, unless the application has been withdrawn by the applicant prior to the expiration of such time period.

(c) *Action by City Council.* The City Council shall take action on each conditional use permit application in accordance with the following:

(1) After receiving the recommendation of the Planning Commission, the Council shall hold a public hearing on the conditional use permit application. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. (Ord. No. 2019-085 §(1); 4-22-2019)

(2) The City Council may, by ordinance, approve or disapprove the conditional use permit application and may impose additional conditions as authorized by this article.

Sec. 30-1045.5. Standards for approval.

A conditional use permit shall be approved by the city council only if it finds, after consideration of the recommendation of the planning commission, that the proposed use and related plans are appropriate at the location proposed based upon its consideration of the following standards and the specific conditions, where applicable, for the particular use in the district in which it is proposed to be located. No conditional use permit shall be approved by the city council unless it finds the proposed use and development:

(1) Will not be contrary to the general purposes of this chapter as stated in section 30-100;

(2) Will not be in conflict with the objectives and policies of the master plan for the city;

(3) Will conform with all applicable sections of this article and other applicable requirements of the district in which it is proposed to be located;

(4) Will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located;

(5) Will not have an undue adverse effect on the public health, safety or general welfare;

(6) Will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives;

(7) Will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets;

(8) Will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities;

(9) Will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district;

(10) Will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and

(11) Will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

Sec. 30-1045.6. Specific conditions applicable to particular uses.

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

(1) *Adult care residences, group homes, lodginghouses, shelters.* The following conditions shall be applicable to adult care residences, group homes, lodginghouses and shelters:

a. Not more than 30 persons, including staff, shall reside on the premises;

b. When located in any district other than a business district, no property devoted to such use shall be situated within 1,320 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;

c. When located in any business district, no property devoted to such use shall be situated within 500 feet of property occupied by another adult care residence, group home, lodginghouse, shelter or any social service delivery use;

d. No group home or shelter shall be located within the same building as another dwelling use; and

e. A management program, addressing not less than the following elements, shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any bylaws.

2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long-term strategy for meeting the residents' or clients' needs.

3. Detailed description of offsite programs offered, and/or description of linkages to programs operated by others.

4. Detailed description of the number and type of residents or clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs.

5. Operational details for on-site programs, including:

i. Hours of operation;
ii. Number and type of staff, staff qualifications, and typical hours worked by staff;
iii. Method of resident or client supervision;
iv. Operating procedures including procedures for orienting a new resident or client to the facility's programs;
v. Expectations for residents or clients;
vi. Prerequisites for continued client enrollment such as a requirement that the resident or client participate in programs;
vii. Rules of behavior for residents or clients;
viii. The location and nature of any security features and arrangements; and
ix. Names and telephone numbers of persons to contact in emergencies and any emergency procedures.

6. Annual operating budget, including sources of funding.

(2) *Social service delivery uses.* The following conditions shall be applicable to social service delivery uses:

a. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or any adult care residence, group home, lodginghouse or shelter; and

b. A management program shall be submitted as set forth in subsection (1) e. of this section.

(3) *Nondwelling uses occupying the ground floor of existing buildings in the R-8 district.* The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:

a. Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.

b. For any nondwelling use operating with an ABC license, such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.

c. Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.

d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.

e. An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in paragraph “a” of this subsection, shall be submitted as part of the conditional use permit application:

1. Operational characteristics and features of the use, including: staffing levels; hours of operation; type of ABC license and related restrictions, if applicable; floor plan showing general arrangement of the use and seating capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.

2. Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses.

The planning commission may recommend and the city council may include as conditions, such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 30-1045.5 of this chapter.

(Code 2004, § 30-1045.6; Ord. No. 2010-18-30, § 5, 2-22-2010)

(4) *Required off-street parking for multifamily dwellings in the B-7 district*. Before approving a conditional use permit for reduction of required off-street parking for a multifamily dwelling located in an existing building in the B-7 district, the city council shall make a finding that:

a. The normally applicable off-street parking requirement for such use cannot reasonably be satisfied without demolition of an existing building; and

b. The reduction in required off-street parking will not adversely impact the use of nearby streets for traffic circulation or access to other properties or create an unreasonable demand for on-street parking that would adversely impact existing uses in the immediate area.

(Code 2004, § 30-1045.6; Ord. No. 2010-19-31, § 3, 2-22-2010)

(5) *Retail sales of liquor.* The following conditions shall be applicable to retail sales of liquor:

a. Except as provided in subdivision (b) of this subsection (5), such use shall be located within a retail establishment having a total floor area greater than 5,00 square feet, and in which not greater than 50 percent of the total floor area is devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia.

b. In the case of a retail establishment existing on the effective date of this subsection and having on such date a total floor are of 5,000 square feet or less and greater than 50 percent of the total floor area devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia, the city council may waive the conditions of subdivision (a) of this subsection (5) when the city council is satisfied that the other applicable provisions of this subsection are met, and provided that in no case shall the existing total floor area of the establishment and the existing percentage of floor devoted to the sale and storage of alcoholic beverages be increased;

c. Such use shall not take place at any time between the hours of 10:00 p.m. and 10:00 a.m.;

d. Drive-up facilities shall not be permitted in conjunction with such use, and retail sales of liquor shall take place only within the interior of the building;

e. The exterior features, including façade treatment, fenestration, signage and lighting, of the building in which such use is located shall be designed to maximize compatibility with the predominant character of surrounding commercial and residential areas, and elevation drawings of the buildings showing such features shall be submitted as part of the conditional use permit application, except that such drawings shall not be required in a case where no changes are to be made to the exterior of an existing building; and

f. The conditional use permit shall be approved by the city council only if the applicant satisfies the council that the size and location of the user are reasonably related to the trade area that such use is intended to serve, and will not result in a disproportionate concentration of such uses within any particular area of neighborhood of the city or have a detrimental impact on the surrounding area due to close proximity to residential area or public, religious or child care facilities.

(Ord. No. 2011-29-150, § 12, 9-12-2011)

(6) *Nightclubs.* A management program shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific nightclub because of the characteristics of the nightclub, the management program shall include a statement of why the element is not applicable. The minimum required elements of the management program are as follows:

a. Operational characteristics and features of the nightclub, including the following:

1. Staffing levels;

2. Hours of operation, and days of the week on which the establishment will be operated as a nightclub;

3. Type of Virginia Alcoholic Beverage Control license and related restrictions;

4. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons;

5. Total occupant load; and,

6. General type, frequency and hours of entertainment to be provided;

b. Provisions for off-street parking; and

c. Provisions for security and crowd management, including the following:

1. Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of this code, whether or not the nightclub is required to obtain a public dance hall permit;

2. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and

3. A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(7) *Parking areas and parking lots in the B-4 and B-5 district.* The following conditions shall be applicable for parking areas and parking lots in the B-4 or B-5 district:

a. The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission that the Planning Commission recommend that the City Council approve the conditional use permit or may recommend that the Planning Commission recommend that the City Council impose additional conditions. In making its recommendation, the Urban Design Committee shall consider at least the standards set forth in section 30-1045.5 and the parking improvement requirements and landscaping standards set forth in section 30-710.10 through 30-710.16. (Ord. No. 2017-019, § 1, 2-27-2017)

Sec. 30-1045.7. Additional conditions.

The planning commission may recommend and the city council may impose such additional conditions and limitations on any conditional use, including its scale, intensity, site development, operation or general character, as deemed necessary or appropriate. Such conditions or limitations may be to prevent, minimize or mitigate potential adverse impacts on the surrounding area or on the city as a whole or to ensure compliance with any of the standards and conditions applicable to conditional uses and set forth in this article. Any such conditions or limitations shall be expressly set forth in the ordinance approving the conditional use.

Sec. 30-1045.8. Amendments after approval.

An approved conditional use permit may be amended only in accordance with the procedures and subject to the standards set forth in this article for review and approval of a new conditional use permit.

Sec. 30-1045.9. Expiration.

An approved conditional use permit shall become null and void if no application for a building permit to construct the authorized improvements has been submitted within two years of the date of approval by the city council. A conditional use permit for which no building permit is required shall become null and void if the use is not established within two years of the date of approval by the city council as evidenced by the issuance of a certificate of use and occupancy or a certificate of zoning compliance. The city council may, for good cause, specify a longer period in its approval of a conditional use permit.

Sec. 30-1045.10. Discontinuance.

A conditional use permit shall run with the land, provided that any use established pursuant to an approved conditional use permit shall not be reestablished if replaced by a different use or if discontinued for a period of two years or longer.

Sec. 30-1045.11. Appeals.

Appeals from any decision of the city council regarding a conditional use permit may be taken to the circuit court by any aggrieved party in accordance with applicable sections of state law.

Sec. 30-1045.12. Fee for filing application.

(a) A fee as set forth in appendix A to this Code shall accompany each conditional use permit application, which fee shall be paid into the city treasury.

(b) A fee as set forth in appendix A to this Code shall accompany each application for an amendment to a conditional use permit, which fee shall be paid into the city treasury.

(c) Approval of a conditional use permit or an amendment to a conditional use permit shall not be granted until satisfactory evidence has been presented to the secretary of the planning commission that any delinquent real estate taxes applicable to the subject property have been paid.

Sec. 30-1045.13. Posting of notice on property.

In the case of each application for a conditional use permit or amendment to a conditional use permit, it shall be the responsibility of the Department of Planning and Development Review to post on the property that is the subject of the conditional use permit, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) shall: (i) be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application, (ii) shall remain on the property until final disposition of the application by the City Council, and (iii) shall comply with any applicable standard established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

(Ord. No. 2006-259-262, § 1, 10-23-2006; Ord. No. 2015-148-158, § 1, 7-27-2015)

Sec. 30-1045.14. Violation of conditions.

(a) Upon noting that a condition of a conditional use permit has been violated, the zoning administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner which condition has been violated, the nature of the violation, and that the planning commission shall hold a public hearing at which it shall review the violation and the conditional use permit pursuant to this division if:

(1) The property owner does not abate the violation within 30 days of the issuance of the notice; or

(2) Three notices of violation are issued to the property owner within any 12-month period.

(b) A notice of violation shall run with the permit upon which the notice is issued if the permit is transferred. If property subject to a conditional use permit has been legally divided into more than one parcel prior to the issuance of a notice of violation, the notice of violation accrued by one parcel shall not count against the other parcels.

Sec. 30-1045.15. Review; procedure on appeal.

(a) The zoning administrator shall issue to the property owner a notice advising that the planning commission shall hold a public hearing at which it shall review the violation and the conditional use permit pursuant to this division if:

(1) The property owner has not abated a violation within 30 days of the issuance of a notice of violation under section 30-1045.14; or

(2) Three notices of violation have been issued to the property owner within any 12-month period.

(b) This notice shall also inform the property owner that the city council shall make the final determination as to whether it shall revoke the conditional use permit, allow the conditional use permit to remain in effect, or amend the conditional use permit.

Sec. 30-1045.16. Notice and public hearings.

(a) Notice of the time, place, and subject of all public hearings before the planning commission and the city council regarding the violation of one or more conditional use permit conditions shall be given in accordance with the Charter and applicable state law.

(b) The planning commission shall hold a public hearing at which it shall review the violation and the conditional use permit. After the public hearing, the planning commission shall issue to the city council a recommendation regarding whether the city council should revoke the conditional use permit, allow the conditional use permit to remain in effect, or amend the conditional use permit and suggesting appropriate conditions if recommending an amendment of the permit.

Sec. 30-1045.17. City council action.

(a) Upon issuance of the recommendation of the planning commission regarding a conditional use permit, the secretary of the planning commission shall cause appropriate ordinances to be prepared so that the city council may act on the planning commission's recommendations.

(b) Following a public hearing on the review of the conditional use permit, the city council may:

(1) Revoke the conditional use permit;

(2) Allow the conditional use permit to remain in effect; or

(3) Amend the conditional use permit.

(c) Notwithstanding any section of this division to the contrary, no action taken pursuant to this division shall in any way limit the city's right to pursue any other remedy at law or in equity against the property owner.

Sec. 30-1045.18. Applicability of sections 30-1045.14 through 30-1045.17.

Sections 30-1045.14 through 30-1045.17 shall apply only to all conditional use permits adopted after the effective date of the ordinance from which such sections are derived.

(Ord. No. 2011-29-150, § 11, 9-12-2011)

DIVISION 6. SPECIAL USE PERMITS

Sec. 30-1050.1. Issuance.

Pursuant to section 17.11 of the Charter and in accordance with the requirements set forth therein, the city council may authorize the use of land, buildings and structures which do not conform to the regulations and restrictions prescribed for the district in which they are situated and may authorize the issuance of special use permits therefor to the owners of fee simple title thereto and their successors in fee simple title, whenever the council finds that the proposed use will not:

(1) Be detrimental to the safety, health, morals and general welfare of the community involved.

(2) Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

(3) Create hazards from fire, panic or other dangers.

(4) Tend to overcrowding of land and cause an undue concentration of population.

(5) Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

(6) Interfere with adequate light and air.

Sec. 30-1050.2. Applications.

Applications for special use permits shall be filed in the office of the department of planning and development review and shall be accompanied by such plans and other data as shall be required by written policy established by the Director of the department.

Sec. 30-1050.3. Notice and public hearing by Planning Commission.

The Planning Commission shall hold a public hearing on any ordinance to authorize the issuance of a special use permit. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. (Ord. No. 2019-085 §(1); 4-22-2019)

Sec. 30-1050.4. Notice and public hearing by City Council.

The City Council shall hold a public hearing on the ordinance to authorize the issuance of a special use permit. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. (Ord. No. 2019-085 §(1); 4-22-2019)

Sec. 30-1050.5. Posting of notice on property.

In the case of each application for a special use permit or amendment to a special use permit, it shall be the responsibility of the Department of Planning and Development Review to post on the property that is the subject of the special use permit, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) shall: (i) be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application, (ii) shall remain on the property until final disposition of the application by the City Council, and (iii) shall comply with any applicable standard established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

(Ord. No. 2006-259-262, § 1, 10-23-2006; Ord. No. 2015-148-158, § 1, 7-27-2015)

Sec. 30-1050.6. Filing fees.

(a) A fee as set forth in appendix A to this Code shall accompany each special use permit application, which shall be paid into the city treasury.

(b) A fee as set forth in appendix A to this Code shall accompany each application for an amendment to a special use permit pertaining to a change in the text only of the originally approved special use permit or amendment thereto, and a fee as set forth in appendix A to this Code shall accompany each application for an amendment to a special use permit pertaining to a change in the text and plans of the originally approved special use permit or amendment thereto, which shall be paid into the city treasury.

(c) There shall be no requirement for payment of an application fee if the purpose of a special use permit application is to have the city council authorize continuation of an existing use which the zoning administrator determines should not be allowed under this chapter; provided, however, that such special use application must be for continuation of a use for which either a building permit or certificate of use and occupancy was previously issued.

(d) There shall be no charge for the first continuance requested by the applicant. A fee as set forth in appendix A to this Code shall accompany each subsequent continuance requested by the applicant, which fee shall be paid into the city treasury. There shall be no charge for a continuance requested by the planning commission.

(e) A permit implementing the granting of a special use permit or an amendment to a special use permit shall not be approved until satisfactory evidence has been presented to the zoning administrator that any delinquent real estate taxes applicable to the subject property have been paid.

Sec. 30-1050.7. Violation of conditions.

(a) Upon noting that a condition of a special use permit has been violated, the zoning administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner which condition has been violated, the nature of the violation, and that the planning commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to this division if:

(1) The property owner does not abate the violation within 30 days of the issuance of the notice; or
(2) Three notices of violation are issued to the property owner within any 12-month period.

(b) A notice of violation shall run with the permit upon which the notice is issued if the permit is transferred. If property subject to a special use permit has been legally divided into more than one parcel prior to the issuance of a notice of violation, the notice of violation accrued by one parcel shall not count against the other parcels.

Sec. 30-1050.8. Review; procedure on appeal.

(a) The zoning administrator shall issue to the property owner a notice advising that the planning commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to this division if:

(1) The property owner has not abated a violation within 30 days of the issuance of a notice of violation under section 30-1050.7; or

(2) Three notices of violation have been issued to the property owner within any 12-month period.

This notice shall also inform the property owner that city council shall make the final determination as to whether it shall revoke the special use permit, allow the special use permit to remain in effect, or amend the special use permit.

Sec. 30-1050.9. Notice and public hearings.

(a) Notice of the time, place, and subject of all public hearings before the planning commission and the city council regarding the violation of one or more special use permit conditions shall be given in accordance with the Charter and applicable state law.

(b) The planning commission shall hold a public hearing at which it shall review the violation and the special use permit. After the public hearing, the planning commission shall issue to the city council a recommendation regarding whether the city council should revoke the special use permit, allow the special use permit to remain in effect, or amend the special use permit and suggesting appropriate conditions if recommending an amendment of the permit.

Sec. 30-1050.10. City council action.

(a) Upon issuance of the recommendation of the planning commission regarding a special use permit, the secretary of the planning commission shall cause appropriate ordinances to be prepared so that the city council may act on the planning commission's recommendations.

Following a public hearing on the review of the special use permit, the city council may:

(1) Revoke the special use permit;

(2) Allow the special use permit to remain in effect; or

(3) Amend the special use permit.

(b) Notwithstanding any section of this division to the contrary, no action taken pursuant to this division shall in any way limit the city's right to pursue any other remedy at law or in equity against the property owner.

Sec. 30-1050.11. Applicability of sections 30-1050.7 through 30- 1050.10.

Sections 30-1050.7 through 30-1050.10 shall apply only to all special use permits adopted after the effective date of the ordinance from which such sections are derived.

DIVISION 7. SITE IMPROVEMENT REQUIREMENTS

Sec. 30-1060. Conditions for issuance of permit for erection of building or structure; installation of plumbing fixtures.

For the purpose of promoting and preserving public health, safety, welfare and convenience, the commissioner of buildings shall issue a permit for the erection of a building or structure in which plumbing fixtures are to be installed only under the following conditions:

(1) *Site improvements existing.* When all required site improvements are available as certified by the following:

a. The Director of public works as to the following:

1. A street consisting of a single roadway or the portion of the street consisting of more than a single roadway, in front or at the side of the lot upon which the building or structure is to erected, embraces a roadway contiguous thereto that has a surface which, in the Director of public works' opinion, is reasonably suitable for travel during all-weather of the locality.

2. A storm water sewer, drain or other drainage facility adequate to provide proper drainage for the locality is adjacent to such lot.

3. An alley of such width, grade and surface as is prescribed by the city's standard alley specifications abuts the lot on the rear or side, except that this shall not apply when no dedicated and public alley exists or when the Director of public works is satisfied that, due to topography or other exceptional situation, improvement of such alley would serve no public purpose.

4. A sanitary sewer is adjacent to such lot either on the front, rear or side thereof to which it is practicable to connect with the sewage disposal facilities in the building or structure or when the owner of the lot satisfies the Directors of public health and public works that another sanitary sewage disposal system can and will be provided for the disposal of sanitary sewage originating in the building or structure and such system will be so used for that purpose and the Directors of public health and public works shall certify such facts to the commissioner of buildings.

b. The Director of public utilities as to the following: a water main adjacent to such lot either in the front, rear or side thereof, to which it is practicable to connect the water supply facilities in the building or structure or when the owner of the lot satisfies the Directors of public health and public utilities that another safe water supply can and will be so used therein and the Directors of public health and public utilities shall certify such facts to the commissioner of buildings.

(2) *Site improvements do not exist.* Conditions if site improvements do not exist are as follows:

a. *Residential development.* When the Director of public utilities or public health certifies as to water supply, the Director of public works or public health certifies as to sanitary sewage disposal system and the Director of public works certifies as to paved streets, paved alleys and storm water sewers, drains or other drainage facilities that such site improvements are being provided and that the cost of such improvements are being borne as provided in the city subdivision regulations (chapter 25).

b. *Commercial or industrial development.* When the Director of public works, as to the extension of streets, sanitary sewers, storm water sewers, drains or other drainage facilities, and the Director of public utilities, as to the extension of water mains, certify that such are being provided by the owner or that, with the approval of the chief administrative officer, the city will make such extensions and improvements or any portion of them at the entire cost and expense of the city, provided:

1. Funds for such extensions and improvements are available for the purpose.

2. The owner enters into a written contract with the city that, in consideration of making the extensions and improvement, the owner will:

i. Apply to the commissioner of buildings for a permit for the erection of each building or structure within 30 days from the date of the contract;

ii. Commence the construction of the building proposed to be erected within six months from the date the building permit is issued;

iii. Complete the erection thereof with all reasonable dispatch, in any event within three years from the day such contract is entered into; and

iv. Upon the failure, refusal or neglect of the owner to comply with subsection (2)b.2.i., (2)b.2.ii. or (2)b.2.iii. of this section, pay to the city all costs and expenses incurred in making such extensions and improvements.

(Code 1993, § 32-1060; Ord. No. 2004-360-330, § 1, 12-13-2004)

DIVISION 8. COVENANTS AND CONDITIONS CONTAINED IN DEEDS, CONTRACTS AND AGREEMENTS

Sec. 30-1070. Effect.

The sections of this chapter or the application thereof shall not be construed to affect, interfere with or abrogate any covenant, condition, limitation or restriction contained in any deed, contract or agreement, whether recorded or otherwise, relating to the use of any land, building or structure. Whenever the sections of this chapter or the application thereof impose greater restrictions upon the use of land, buildings or structures than are imposed by any such covenants, conditions, limitations or restrictions, the sections of this chapter or the application thereof shall govern the use of such land, buildings or structures.

DIVISION 9. VIOLATIONS AND PENALTIES

Sec. 30-1080. Unlawful conduct and penalties.

It shall be unlawful for the owner of any land, building, structure or premises or the agent thereof having possession or control of such property or for any lessee, tenant, architect, engineer, builder, contractor or any other person to violate any section of this chapter or of any ordinance authorizing the issuance of a conditional use permit, a special use permit or community unit plan or the conditions attached thereto or to fail, refuse or neglect to perform any duty imposed by this chapter. It shall be unlawful for any such owner, agent, lessee, tenant, architect, engineer, builder, contractor or other person to take part in or to assist in any such violation, failure, refusal or neglect or to maintain any land, building or structure in connection with which such violation, failure, refusal or neglect exists. Any such violation shall be a misdemeanor punishable by a fine of not less than $10.00 nor more than $1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than $10.00 nor more than $1,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than $100.00 nor more than $1,500.00. In addition to or in lieu of any fine, any violation of this chapter shall also be punishable by confinement to jail for a period not to exceed 12 months. The city shall also impose an administrative fee as set forth in appendix A to this Code on any violator to cover the costs arising out of an enforcement action.

ARTICLE XI. AMENDMENTS

DIVISION 1. GENERALLY

Sec. 30-1100. Authority of council.

Subject to the requirements of the Charter and this article, the council may, from time to time, after receiving the recommendation of the planning commission, amend, supplement or repeal the regulations and restrictions and the boundaries of the districts established by this chapter.

Sec. 30-1110. Initiation.

Amendment, supplementation or repeal of the regulations and restrictions and the boundaries of the districts established by this chapter may be initiated by the council or any member thereof, by motion of the planning commission, by request of the mayor, the chief administrative officer or any city agency or by petition of any individual. Such petition, addressed to the council, shall be reviewed by the Director of planning and development review and shall be filed with the city clerk.

(Code 1993, § 32-1110; Ord. No. 2004-360-330, § 1, 12-13-2004)

Sec. 30-1120. Notice and public hearing by Planning Commission.

The Planning Commission shall hold a public hearing on any ordinance to amend, supplement or repeal the sections of this chapter or the boundaries of the districts established by this chapter. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. (Ord. No. 2019-085 §(1); 4-22-2019)

Sec. 30-1130. Notice and public hearing by City Council.

The City Council shall hold a public hearing on the ordinance to amend, supplement or repeal the sections of this chapter or the boundaries of the districts established by this chapter. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the City to whom notices are to be sent shall be furnished by the City Assessor and shall be as shown on the then-current tax records of the City. (Ord. No. 2019-085 §(1); 4-22-2019)

Sec. 30-1140. Posting of notice on property.

In the case of each application for a change in the boundaries of a zoning district, it shall be the responsibility of the Department of Planning and Development Review to post on the property that is the subject of such change, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) shall: (i) be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application, (ii) shall remain on the property until final disposition of the application by the City Council, and (iii) shall comply with any applicable standard established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

(Ord. No. 2006-259-262, § 1, 10-23-2006; Ord. No. 2015-148-158, § 1, 7-27-2015)

Sec. 30-1150. Effect of protest by property owners.

If a protest is filed with the city clerk against an amendment, supplement or repeal of the sections of this chapter, signed and acknowledged before a person authorized to administer oaths, by the owners of 20 percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change, any point in which is within 150 feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal by less than seven affirmative votes.

Sec. 30-1160. Fee.

(a) A petition for amendment, supplementation or repeal of the regulations and restrictions and the boundaries of the districts established by this chapter shall be accompanied by a fee as set forth in appendix A to this Code, which shall be paid into the city treasury.

(b) Approval of a change in the boundaries of the districts established by this chapter shall not be granted until satisfactory evidence has been presented to the secretary of the planning commission that any delinquent real estate taxes applicable to the subject property have been paid.

DIVISION 2. CONDITIONAL ZONING

Sec. 30-1170.1. Purpose.

(a) Pursuant to applicable provisions of Code of Virginia, §§ 15.2-2296 and 15.2-2298, the purpose of conditional zoning is to recognize that frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change.

(b) It is, therefore, the purpose of this division to provide a more flexible and adaptable zoning method to cope with such situations through conditional zoning, whereby a change in the zoning classification of property may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. It is the intent of the city council that this division shall not be used for the purpose of discrimination in housing.

Sec. 30-1170.2. Procedures.

(a) *Proffered conditions.* In conjunction with an application for rezoning of property and as a part of a proposed amendment to the zoning map as described in division 1 of this article, the owner of such property may voluntarily proffer in writing reasonable conditions in addition to the regulations specified for the zoning district by this chapter, provided such conditions meet the criteria set forth in this division.

(b) *Submission of conditions.* The owner may submit such conditions at the time of application for rezoning or at any other time prior to introduction of an ordinance to rezone the subject property. The planning commission and the city council shall not be obligated to accept any of the proffered conditions.

(c) *Additions, deletions or modifications to conditions.* If additions, deletions or other modifications to conditions are desired by the owner of the property that is the subject of the rezoning request, they shall be made in writing to the planning commission before the commission makes its recommendation to the city council. The city council may consider additional conditions, deletions or modifications to conditions after the planning commission makes its recommendation, provided that such are voluntarily proffered in writing prior to the public hearing at which the city council is to consider the application for rezoning. When additions, deletions or modifications to conditions are proposed after the planning commission makes its recommendation, the city council may refer the rezoning application back to the commission for further review and action, provided that, where such additions, deletions or modifications to conditions are less restrictive than the conditions considered by the planning commission, the city council shall refer the rezoning application back to the commission.

(Code 1993, § 32-1170.2; Ord. No. 2004-350-328, § 1, 12-13-2004; Ord. No. 2007-43-56, § 1, 3-26-2007)

Sec. 30-1170.3. Proffered conditions.

(a) *Criteria.* All conditions proffered pursuant to this division shall meet the following criteria:

(1) The rezoning itself must give rise to the need for the conditions.
(2) The conditions shall have a reasonable relation to the rezoning.
(3) The conditions shall be in conformity with the master plan for the city.
(4) The conditions shall not impose upon the applicant the requirement to create a property owners' association under Code of Virginia, §§ 55-508-55-516.2, which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in Code of Virginia, § 15.2-2241; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the city.
(5) The conditions shall not be less restrictive than the sections of this chapter and shall not require or permit a standard that is less than required by any applicable law.
(6) The conditions shall be drafted in such manner as to be clearly understandable and enforceable.

(b) *Conditions involving dedication of real property or payment of cash.* If proffered conditions include the dedication of real property or the payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided the city council may accept proffered conditions which are not normally included in the capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment if the property or cash payment is not used for the purpose for which proffered.

Sec. 30-1170.4. Subsequent amendment to zoning map.

Once proffered and accepted as part of an amendment to the zoning map, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions, provided that the conditions shall continue in effect if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Sec. 30-1170.5. Future amendments for certain proffers.

If conditions proffered pursuant to this division include a requirement for the dedication of real property of substantial value or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, no amendment to the zoning map for the property subject to such conditions nor the conditions themselves nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the city council, which eliminate or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to the property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

Sec. 30-1170.6. Enforcement and guarantees.

(a) *Authority of zoning administrator.* The zoning administrator shall be vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to a rezoning or amendment to the zoning map, including the following:

(1) The ordering in writing of the remedy of any noncompliance with conditions;
(2) The bringing of legal action to ensure compliance with conditions, including injunction, abatement or other appropriate action or proceeding; and
(3) Requiring a guarantee satisfactory to the city council in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the city council or its agent upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

(b) *Denial of permits and approvals.* Failure to meet all conditions attached to an amendment to the zoning map shall constitute cause to deny approval or issuance of any required plan of development, certificate of zoning compliance, building permit, or certificate of use and occupancy, as may be appropriate.

Sec. 30-1170.7. Records and index.

The zoning map shall show, by an appropriate symbol on the map, the existence of conditions attached to the zoning. The zoning administrator shall keep in the administrator's office and make available for public inspection a conditional zoning index. The index shall provide ready access to each ordinance creating conditions, in addition to the regulations provided for in a particular zoning district.

Sec. 30-1170.8. Review of zoning administrator's decision.

(a) Any rezoning applicant or any other person who is aggrieved by a decision of the zoning administrator made pursuant to section 30-1170.6 may petition the city council for review of such decision by filing a petition with the zoning administrator and with the city clerk within 30 days of the decision. Such petition shall specify the grounds upon which the petitioner is aggrieved.

(b) The city council shall review the appealed decision using the same process as the zoning administrator, but shall not be bound by the zoning administrator's conclusions or findings. However, the city council shall not modify or delete any condition attached to a zoning map amendment except by a formal amendment made pursuant to the provisions of this article.

(c) A fee as set forth in appendix A to this Code shall accompany each petition for city council review, which fee shall be paid into the city treasury.

Sec. 30-1170.9. Amendments and variations of conditions.

Amendments and variations of conditions attached to a zoning map amendment shall be made only after public notice and hearing in the same manner as an original zoning map amendment and in accordance with this article and applicable sections of state law.

ARTICLE XII. DEFINITIONS

Sec. 30-1200. Applicability of article.

For the purposes of this chapter, certain words or terms used in this chapter shall be interpreted as set forth in this article, unless otherwise specifically prescribed elsewhere in this chapter. Words and terms not defined in this article shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context.

(Code 1993, § 32-1200)

Sec. 30-1210. General rules of interpretation.

(a) For the purposes of this chapter, general rules of interpretation shall be as follows:

(1) The word “shall” is mandatory, and the word “may” is permissive.

(2) The singular number includes the plural, and the plural number includes the singular.

(3) The present tense includes the future tense.

(4) The word “building” includes the word “structure.”

(5) The word “land” includes the words “water” and “marsh.”

(6) The word “used” or “occupied” includes the words “intended, designed or arranged to be used or occupied.”

(b) Figures and drawings contained in this chapter are for the purpose of illustration. If a discrepancy exists between such illustration and the text of this chapter, the text shall control.

Sec. 30-1220. Definitions.

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

.*1* *Accessory structure* and *accessory building* mean a structure or building used for purposes incident and subordinate to the principal use of the premises.

.*2* *Accessory use* means a use of land or use of a structure or building for purposes incident and subordinate to the principal use of the premises.

.*3* *Adult bookstore* means a commercial establishment which offers for sale, rental or viewing for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, when one or more of the following criteria apply:

(1) In any one month, 25 percent or more of the gross income of the establishment is derived from the sale, rental or viewing of such materials;

(2) Twenty-five percent or more of the floor area of the premises is devoted to the display or storage of such materials; or

(3) Twenty-five percent of the stock in trade of the establishment is comprised of such materials.

.*4* *Adult care residence* means any place, establishment, institution or portion thereof operated or maintained as a residence providing for the maintenance or care of four or more adults who are aged, infirm or disabled and which is licensed by the commonwealth as an adult care residence.

.*5* *Adult day care facility* means a facility which provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services.

.*6* *Adult entertainment establishment* means a restaurant, nightclub, private club or similar establishment which features, on a regular basis, live performances involving persons who are seminude. For the purposes of this definition, the term “seminude” means:

(1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast.

(2) Male genitals in a state of arousal even if completely and opaquely covered.

Any establishment which features such performances more than one day in a 30-day period shall be deemed to be an adult entertainment establishment. The restrictions in this definition shall not apply to a legitimate theatrical performance where nudity or seminudity is only incidental to the primary purpose of the performance.

.7 *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other comparable technology) containing specified sexual activities or specified anatomical areas (sexually oriented films) are predominantly shown or where a predominant number of films are limited to adults only. For the purposes of this definition, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding by the zoning administrator that sexually oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

.8 *Alley* means a public way affording or intended to afford secondary means of vehicular access to abutting properties.

.9 *Amusement center* means a building, portion of a building or area outside of a building, where four or more video game machines, pinball machines, pool or billiard tables or other similar player-operated amusement devices or any combination of four or more such devices are maintained for use by the public.

.10 *Area devoted to parking* means that portion of a lot which is improved for purposes of a principal or accessory parking area or parking lot and related vehicle circulation and including all parking spaces, access aisles, driveways, loading areas and vehicle stacking areas or maneuvering space.

.11 *Automated teller machine* means a computerized electronic machine that performs basic banking functions such as handling deposits, transferring funds or issuing cash withdrawals; also known as an ATM or automatic teller machine.

.12 *Auto service center* means an establishment for the servicing and minor repair of motor vehicles within enclosed service bays or stalls and which may include the dispensing of motor fuels and related products at retail and the sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items. An auto service center shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

.12:1 *Awning* means a permanent or retractable architectural projection, typically constructed using a lightweight frame structure over which a cloth or similar non-structural covering is attached, providing a light roof-like structure over door entrances or windows that provides sun and weather protection, identity, or decoration and is wholly supported by the exterior façade of the building to which it is attached. **(Ord. No. 2018-209, §4, 9-10-2018)**

.13 *Bicycle rack means a structure to which frame and both wheels of a bicycle can be securely attached.* (Ord. No. 2015-151-164, § 1, 9-14-2015)

.14 *Block* means all of the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 1]***

.15 *Block, entire* means all of the property lying within an area bounded entirely by streets or by any combination of streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development. (Code 2004, § 30-1045.6; Ord. No. 2010-19-31, § 3, 2-22-2010)

.16 *Building* means a structure having a roof and intended for the shelter or enclosure of persons or chattels and which is enclosed within exterior walls or which, if a structure is used or occupied for nondwelling purposes, is enclosed within exterior walls, party walls or other permanent wall separation having no ingress or egress through or to another such structure.

.17 *Building area* means the horizontal area of a lot covered by enclosed building space as measured from exterior faces of exterior walls of each building on the lot.

.18 *Building, completely enclosed,* means a building having no outside openings other than ordinary doors, windows and ventilators.

.19 *Building, height of,* means the vertical distance from mean grade level to the highest point of a flat roof; to the deck line or highest point of the coping of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, shed or gambrel roof.

.20 *Building, main,* means a building occupied by a principal use.

.20:1 *Canopy* means a permanent or architectural projection typically of rigid construction over which a structural covering is attached, providing a roof-like structure generally over door entrances, outdoor dining or service areas that provides sun and weather protection, identity or decoration structurally supported by the exterior façade of the building to which it is attached. **(Ord. No. 2018-209, §4, 9-10-2018)**

.21 *Clinic* means a facility providing health services for persons on an outpatient basis and where no patients are lodged overnight.

.22 *Court, inner,* means an uncovered open space, other than a yard, surrounded on all sides by the exterior walls of a structure.

.23 *Court, outer,* means an uncovered open space, other than a yard, surrounded on three sides by the exterior walls of a structure. Where the fourth or open side of a court is enclosed by projections exceeding 25 percent of its width, such court shall be considered an inner court.

.24 *Day nursery* means a facility for the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.

.25 *Development site* means all of the land developed or to be developed for single-family attached dwellings or mixed-use development and related accessory uses and structures, when such land is contiguous and planned and developed as a unit. For single-family attached dwellings, the development site shall include individual attached dwelling lots, open spaces, private streets, parking areas, community buildings and other uses, structures and areas owned or to be owned in common by owners of individual lots within the development.

.26 *Drive-up facility* means any principal use or facility accessory to a principal use where service is rendered to or business is transacted directly with customers located in a motor vehicle.

.27 *Dwelling, multifamily,* means a building containing three or more dwelling units. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 9]***

.28 *Dwelling, single-family attached,* means a building which contains only one dwelling unit and which is attached by means of party walls to another main building, each of which is located on an individual lot of record. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 9]***

.29 *Dwelling, single-family detached,* means a building completely separated from any other main building and containing only one dwelling unit. . ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 9]***

.30 *Dwelling, two-family,* means a building containing two dwelling units, and consisting of either of the following:

(1) *Dwelling, two-family attached,* means a two-family dwelling which is attached by means of a party wall to another main building, each of which is located on an individual lot of record.

(2) *Dwelling, two-family detached,* means a two-family dwelling which is completely separated from any other main building. . ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 9]***

.31 *Dwelling unit* means a room or group of rooms within a building constituting a separate and independent unit occupied or intended for occupancy by one family and containing one kitchen and provisions for living, sleeping, eating and sanitation, all of which are generally accessible to all occupants of the unit, and which is not available for occupancy for periods of less than one month.

.32 *Dwelling use* means any of the following principal uses: single-family detached dwelling, single-family attached dwelling, two-family dwelling, multifamily dwelling, nursing home, adult care residence, group home, lodginghouse, fraternity or sorority house; and includes any dwelling unit contained within the same building as other permitted principal uses.

.33 *Family* shall consist of persons living together as a single housekeeping unit and shall include any of the following:

(1) One or more persons related by blood, marriage, legal guardianship or adoption, including foster children;

(2) Not more than three unrelated persons or a combination of related and unrelated persons;

(3) Two unrelated adults plus children related to one or both adults by blood, marriage, legal guardianship or adoption, including foster children;

(4) Not more than eight unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the department of mental health, mental retardation and substance abuse services of the commonwealth is the licensing authority pursuant to the Code of Virginia, shall be considered a family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401; [See 2009 VA CODE amendments; effective 7-1-10]

(5) Not more than eight handicapped persons, as defined by the federal fair housing act, occupying a single dwelling unit, and in addition thereto may include one or more resident counselors or other staff persons.

The term “family” shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home, lodginghouse, group home, adult care residence, nursing home, shelter or institution of any kind, except as specifically included by this definition.

.*34* *Flea market* means an activity conducted outside an enclosed building and which involves the retail sale of new or used merchandise by one or more vendors operating from stalls, stands, vehicles or other spaces which are rented or otherwise made available to such vendors. The term does not include outdoor display or sales of a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises; nor does it include the sale of merchandise as part of a permitted festival or other similar special event, temporary in duration, at which the display and sale of merchandise are incidental to the primary cultural, charitable, informational or recreational activity of such festival or special event. A flea market shall not be considered a permitted accessory use to an activity of similar nature conducted in an enclosed building or to any other principal use in any zoning district.

.*35* *Floor area* means the sum of the horizontal areas of enclosed building space on all floors of all buildings on a lot measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways and elevator shafts. The following shall be excluded from calculation of floor area:

(1) Open exterior balconies and other unenclosed spaces.

(2) Uncovered terraces, patios, porches, or steps.

(3) Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles.

(4) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.

(5) Areas for common special purpose use by occupants of the premises, including laundries, recreation areas, sitting areas and libraries in buildings devoted to dwelling use, and storage areas, and areas devoted exclusively to management and/or maintenance of the premises in buildings devoted to any use, but not including incidental commercial activities in any case.

.*36* *Floor area ratio (FAR)* means the total square foot amount of floor area on a lot for each square foot of land area. Floor area ratio is determined by dividing the floor area on a lot by the land area attributed to the lot.

.*37* *Fraternity or sorority house* means a building which is used for living accommodations, meetings, gatherings or other activities for students who are members of a college or university fraternity or sorority and their guests.

.*38* *Ground floor* means the story (of a building) having its floor elevation closest to the elevation of the adjacent street. (Ord. No. 2009-40-57, § 1 & Ord. No. 2009-36-56, § 1, 4-27-2009)

.*39* *Group home* means a building or portion thereof intended for residential occupancy for periods of not less than one week and where the total occupancy of such facility does not constitute a family, as defined in this section, and having all of the following characteristics:

(1) Occupancy is not available to the general public.

(2) Sleeping areas are not arranged in a dormitory configuration.

(3) Facilities and services include living, sleeping, sanitation, either the provision of at least one daily meal or the provision of kitchen facilities for use by residents, and a defined program for operation and services for residents, which may include minor medical care, counseling, training and similar services.

(4) Supervision of residents is provided.

The term “group home” shall not be construed to include a “shelter” as defined in this section.

.40 *Home occupation* means any occupation, profession, business or enterprise which is incidental and secondary to the principal use of the premises as a dwelling unit.

.41 *Hospital* means a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration.

.42 *Hotel* and *motel* mean a building or group of buildings on the same site containing guestrooms with sanitation facilities, with or without kitchens, intended to be rented for compensation for occupancy by the traveling public and similar transient guests primarily on a daily or weekly basis. The terms “hotel” and “motel” are intended to apply to motor inns, motor lodges, auto courts and tourist courts, except when such terms conform to the definition of tourist home contained in this section, and are intended to be distinguished from lodginghouses, shelters, group homes and similar forms of housing. The term “hotel” applies to any such facility as defined herein consisting of a single building where primary access to all guestrooms is by way of a common lobby within the building or a corridor connected to a common lobby, with no primary access to individual guestrooms directly from the exterior of the building.

.43 *Industrialized building* means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in Code of Virginia, § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this definition. (2010-209-216, §4; 12-13-2010)

.44 *Interstate highway* means any road within the National System of Interstate and Defense Highways described within 23 USC 103(e).

.45 *Kennel* means any lot or structure used for the sale, keeping, boarding or commercial breeding of dogs, cats, or other household pets and involving five or more such animals over the age of four months.

.46 *Kitchen* means a room or portion thereof containing facilities which are designed, intended or used for cooking and preparation of meals.

.47 *Land area* means the area of a lot within the property lines, plus one-half the width of abutting public street and alley rights-of-way.

.48 *Live/work unit* means a dwelling unit within which an occupation, profession, business or enterprise is conducted in conjunction with the living space of the owner or operator of such occupation, profession, business or enterprise, and which constitutes a principal use and does not otherwise meet the definition of home occupation contained in this article.

.49 *Loading space* means an area within a building or elsewhere on the premises used for the standing, loading or unloading of vehicles in connection with the use of the property on which such space is located.

.50 *Lodge* means a meeting place for an association of persons organized for a common nonprofit objective such as literature, science, politics, health, good fellowship or civic betterment, where no commercial enterprise is conducted on the premises and where use of the premises is generally limited to members of such association. A motorcycle or automobile club or private entertainment club shall not be considered a lodge.

.51 *Lodginghouse* means a building containing any number of lodging units, when the total of all such units in the building are occupied or intended to be occupied by a total of more than two persons, with or without board, and not available for occupancy for periods of less than one week, as distinguished from a group home or shelter, as defined in this section, and from a tourist home, hotel or motel where occupancy is available to transient guests on a daily basis. In addition to the foregoing, existence of any one or more of the following characteristics constitutes prima facie evidence that a dwelling use is being used as a lodginghouse: separate rental agreements for different occupants; exterior locking mechanisms on interior doors of rooms for occupants; separate entrances from the exterior of the building for individual occupants; and normally common areas of dwelling unit, such as the living room, family room or dining room, being used as sleeping areas or not being available on an equal or common basis to all occupants.

.52 *Lodging unit* means a room or group of rooms within buildings constituting separate and independent living quarters occupied or intended for occupancy by one family and containing provisions for living and sleeping, with or without sanitation facilities within the unit, and not containing cooking facilities.

.53 *Lodging unit, accessory,* means a lodging unit located within a single-family dwelling, consisting of a room separate from the primary living quarters of the dwelling, but with internal access through the dwelling, not containing facilities for cooking or refrigeration of food, and which is not available for occupancy for periods of less than one month.

.54 *Lot* means a parcel of land occupied or intended for occupancy by buildings or uses permitted by this chapter and including such area, yards and other open spaces as are required in this chapter. A lot may consist of a single lot of record or a combination of contiguous lots of record.

.55 *Lot, corner,* means a lot located at the intersection of two or more streets or a lot bounded entirely by streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the intersections of the side lot lines with the street line to the midpoint of the street frontage meet at an interior angle of 135 degrees or less. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 6 & 10]***

.56 *Lot coverage* means that portion of a lot occupied at ground level or above by enclosed space within main buildings and accessory buildings. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 7]***

.57 *Lot, interior,* means a lot having only one street frontage. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 6 & 8]***

.58 *Lot of record* means a lot which is part of a subdivision recorded in the office of the clerk of the proper court, or a lot or parcel described by metes and bounds which has been so recorded.

.59 *Lot, through,* means a lot other than a corner lot having more than one street frontage. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 2 & 6]***

.60 *Lot width* means the shortest horizontal distance between the points where the rear of the required front yard intersects the sidelines of a lot. For through lots, the lot width shall be measured adjacent to the street frontage to which the main building is oriented.

.*60.1* *Major reconstruction* means reconstruction of a building to the extent of more than 60 percent of its replacement values, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction. The term "reconstruction" includes major reconstruction as defined herein as well as any reconstruction to a lesser extent. **(Ord. No. 2011-29-150, § 12, 9-12-2011)**

.*61* *Mall* means a public way upon which business establishments have frontage and which serves primarily for the movement of pedestrians, with trees, benches or other furnishings provided and with vehicular access prohibited, restricted or reduced so as to emphasize pedestrian use.

.*62* *Manufactured home.* Any structure subject to federal regulation and 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 a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes the plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure.

.*63* *Manufactured home park.* A lot on which are located or which is arranged or equipped for the accommodation of two or more manufactured homes with spaces for such available for rent or lease for periods of not less than one month.

.*64* *Marina* means any facility for the mooring, berthing, storing or securing of watercraft, including community piers and other boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marina equipment sales or promotional events, boat and jet ski rentals and other uses clearly incidental to watercraft activities.

.*65* *Mean grade level* means the average of the lowest and highest finished elevations of the ground adjacent to the exterior walls of a building.

.*66* *Microwave relay facility* means a facility for the transmission and/or reception of radio frequency (RF) signals, typically consisting of an equipment enclosure or cabinet and one or more dish antennas (discs) which transmit point to point, mounted on an antenna support structure or alternative antenna support structure. Such a facility may be an accessory component of a wireless communications facility.

.*67* *Microwave relay facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a microwave relay facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

.*68* *Microwave relay facility support structure* means a structure designed and constructed specifically to support a microwave relay antenna, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

.*69* *Nightclub* means any establishment in which all of the following features are made available at any time from 12:00 midnight until 6:00 a.m.:

(1) Alcoholic beverages served or consumed on the premises;

(2) Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity, provided that floor space utilized for patrons to view television or similar media shall not be construed to constitute floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity; and

(3) Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:

a. Sound associated with television or similar media being viewed by patrons; and

b. Music provided exclusively as background entertainment for dining patrons.

In any case where the above features are only incidental to a private event not open to the general public such as a wedding reception, banquet, non-profit event or similar function, such features shall not be construed to constitute a nightclub. **(Ord. No. 2012-234-2013-2, § 1, 1-14-2013)**

69:1 Noncommercial flag, means a piece of cloth or other flexible material that only depicts the emblem or insignia of a nation, political unit, educational, charitable, religious, civic, or other similar group or is a decorative flag that does not display a commercial message, and generally attached by one edge to flag pole or light pole. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*70* *Nonconforming feature* means a feature of a use, other than the use itself, or a feature of a building or structure lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the lot area, lot coverage, yard, open space, floor area, height, parking, loading, lighting, screening or other regulations of this chapter or any amendment thereto.

.*71* *Nonconforming sign* means a sign lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the sign regulations of this chapter or any amendment thereto.

.*72* *Nonconforming use* means a principal or accessory use of land, buildings or structures lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the use regulations of this chapter or any amendment thereto.

.*73* *Nursing home* means any place, establishment, institution, or portion thereof providing on a continuing basis nursing and health-related services for the treatment and inpatient care of two or more persons and which is licensed by the commonwealth as a nursing home.

.*74* *Open space, uncovered,* means exterior space open to the sky including usable roof area.

.75 *Parking area.* A parcel of land or portion thereof used for the parking of motor vehicles for which there is no direct charge to the user. A direct charge shall be construed to mean a charge levied at the parking area.

.76 *Parking deck* means a structure or portion of a structure used for the parking of motor vehicles and bicycles and primarily serving occupants of the premises on which it is located and which may include parking spaces that are leased for a term of not less than one month for use by others, so long as there is no direct charge to the user levied at the parking deck. (Ord. No. 2015-151-164, § 1, 9-14-2015)

.77 *Parking garage* means a structure or portion of a structure generally available to the public and used for the parking of transient motor vehicles and bicycles for compensation, whether by prior rental or lease agreement or on an hourly or daily basis. (Ord. No. 2015-151-164, § 1, 9-14-2015)

.78 *Parking lot* means a parcel of land or portion thereof used for the parking of motor vehicles as a commercial enterprise for which compensation is charged at the parking lot.

.79 *Parking space* means an area for the parking of one motor vehicle located other than within a public street or public alley right-of-way and having dimensions specified in section 30-710.3:1 and having a permanent means of access to a public street or public alley without requiring passage through another parking space.

.80 *Parking space, bicycle* means an area for the parking of one bicycle located other than within a public street or public alley right-of-way and having a paved means of access to a public street or public alley. (Ord. No. 2015-151-164, § 1, 9-14-2015)

.81 *Parking space, long-term bicycle* means a bicycle parking space in a secure, weather-protected facility intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and employees. (Ord. No. 2015-151-164, § 1, 9-14-2015)

.82 *Parking space, short-term bicycle* means a bicycle parking space provided by a bicycle rack located in a publicly accessible, highly visible location intended for transient or short-term use by visitors, guests, patrons, and deliveries to the building or use. (Ord. No. 2015-151-164, § 1, 9-14-2015)

.83 *Parkway* means any highway, other than a designated federal interstate highway, from which direct vehicular access to abutting privately owned properties is prohibited, and which is characterized by landscaped medians and/or shoulder areas, or any highway which is designated as a “parkway” in the city’s master plan.

.84 *Party wall* means a wall separating and common to two buildings on individual lots and being of noncombustible material as specified by the Virginia Uniform Statewide Building Code.

.85 *Portable storage unit* means a portable, weather resistant receptacle designed and used for the temporary storage or shipment of household goods, personal property, wares or merchandise, and which is typically rented to owners or occupants of property for their temporary use, and which customarily is delivered and removed by truck. The term shall not be construed to include (i) receptacles used for collection of food, clothing, household goods or similar items in conjunction with an activity conducted by a governmental agency or a non-profit organization, or (ii) waste and debris containers or temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises. (2010-209-216, §4; 12-13-2010)

.86 *Principal street frontage* means:

(1) In the case of a corner lot, that frontage of the lot lying within any district and situated along the street which carries the greater volume of pedestrian and vehicle traffic, generally functions as the primary orientation of dwellings, businesses or other uses within the block, and along which the principal entrance to the existing or proposed building on such corner lot is oriented. In a case where more than one street frontage of a corner lot meets any of the aforementioned criteria, the principal street frontage of the lot shall be as determined by the zoning administrator after considering all of such criteria, together with any other unique physical conditions of the corner lot or the adjacent street and lot pattern; or

(2) In the case of an interior lot or through lot, a street frontage that generally functions as the primary orientation of dwellings, businesses or other uses within the block.

(Ord. No. 2010-20, § 1, 3-8-2010)

.86:1 *Priority street frontage* means that portion of a lot abutting a street designated as a priority street on the official zoning map established and maintained pursuant to Section 30-200 and situated between lot lines intersecting such street. **(Ord. No. 2017-150, §8, 9-25-2017)**

.87 *Public mall or plaza* means a public right-of-way closed to motor vehicle travel intended for use as an outdoor pedestrian way or outdoor public assembly area or, similarly, a publicly owned property intended for and devoted to such use.

.88 *Public parking space* means an area for the parking of one motor vehicle located within a public right-of-way and available for parking by the general public during normal business hours other than such peak traffic periods as may be restricted by traffic regulations imposed by the city; or a structure which is operated for purposes of public parking on a not-for-profit basis by the city, other public agency or a merchants' or property owners' association, and which is identified as public parking by a sign posted in a conspicuous location, when such parking space is available for use by the general public during normal business hours and is not reserved, restricted or required for use by patrons or employees of any particular business or use.

.89 *Radio and television broadcast antenna* means a rod (whip) or other device intended to send signals produced by a radio or television broadcast studio to the receiving devices operated by end users.

.90 *Radio and television broadcast antenna alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a radio or television broadcast antenna is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

.91 *Radio and television broadcast antenna support structure* means the supporting structure on which a radio and television broadcast antenna is mounted, intended to provide height for the antenna to facilitate transmission of the radio or television signal over a geographic area, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

.92 *Recreational vehicle* means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term "recreational vehicle" shall include but shall not be limited to travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

.*93* *Retail sales of liquor* means any use involving the sale of distilled or spirituous beverages such as brandy, whiskey, as distinguished from fermented beverages such as wine or beer, to the general public for consumption off the premises, when such sale takes place within a portion of a retail establishment. **(Ord. No. 2011-29-150, § 12, 9-12-2011)**

.*94* *Retail stores and shops*. Establishments wherein the principal activity is the sale of merchandise at retail to the general public, including incidental storage of goods to be sold at retail on the premises and including incidental fabrication or processing of goods to be sold principally at retail on the premises, but not including establishments for the sale in bulk of fuels, building materials and lumber, or the sale of motor vehicles, boats, trailers, machinery, heavy equipment, tires or similar items.

.*95* *Roofline* means the highest point of the roof of a building.

.*96* *Service station* means an establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items; and which may include the inspection, servicing or minor repair of motor vehicles in not more than three enclosed service bays or stalls. A service station shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

.*97* *Shelter* means a building or portion thereof intended for temporary residential occupancy on a daily or longer basis by persons with no other fixed place of abode or persons who are temporarily displaced from their place of abode and having all of the following characteristics:

(1) The use is operated on a not-for-profit basis;

(2) Sleeping areas are provided in a dormitory or other configuration;

(3) Facilities and services include living, sleeping, sanitation and the provision of at least one daily meal and are available only to residents and staff;

(4) Minor medical care, job counseling and substance abuse counseling services are available to residents, either on the premises or by written agreement with providers; and

(5) Supervision of residents is provided.

.*98* *Shopping center* means a development that contains four or more retail or other commercial buildings planned, developed and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve and which is provided with off-street parking on the premises. For a shopping center with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is one per 100 square feet of floor area or greater, required parking shall be as specified in subsection 30-710.3(e).

.*99 Sign,* means any object, device, display, or part thereof, visible from a public place, a right-of-way, or any navigable body of water, which is designed and used to attract attention to an institution, organization, business, product, service, event, location, or person by any means involving words, letters, figures, symbols, fixtures, logos, colors, illumination, or projected images. The term “sign” does not include the display of merchandise for sale on the site of display. **(Ord. No. 2017-149, § 6, 9-11-2017)**

.*100 Sign, animated,* means any sign having a conspicuous and intermittent variation in illumination, message or physical position of any or all of its parts, except that any sign which revolves around a fixed axis at a rate of not more than six revolutions per minute or any sign which flashes or changes its message not more than once every five seconds or any flag or banner which is entirely dependent upon wind for movement shall not be considered an animated sign for the purposes of this chapter.

.*101 Sign, awning,* means a sign painted, printed, sewn, or similarly attached to an awning as an integrated part of the awning itself. **(Ord. No. 2018-209, §2, 9-10-2018)**

.*101:1 Sign, canopy,* means a sign attached to a canopy so that the display surface is parallel, or nearly so, to the plane of the front building front façade. **(Ord. No. 2018-209, §4, 9-10-2018)**

.*102 Sign, commercial flag,* means a sign consisting of a piece of cloth or other flexible material used to attract attention to a commercial use, product, service, or activity and generally attached by one edge to a flag pole or light pole. **(Ord. No. 2017-149, § 6, 9-11-2017)**

.*102:1 Sign, feather,* means a lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*103 Sign, freestanding,* means a sign supported by uprights, brackets, poles, posts, a foundation or similar features which are anchored within the ground.

.*103:1 Sign, minor,* means a wall or freestanding sign not exceeding two square feet in area in a residential district and a wall or freestanding sign not exceeding four square feet in area in any other district, provided such sign is located within ten feet of the main entrance to a building if a wall sign and within ten feet of the main entrance of the lot if a freestanding sign and provided such is not used to promote, identify, or attract attention to a commercial use. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*103:2 Sign, off-premises,* means a sign that directs attention to a business, product, service, or activity conducted, sold, or offered at a location other than the premises on which the sign is erected. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*103:3 Sign, pennant,* means a sign consisting of lightweight plastic, fabric, or other similar material, suspended from a rope, wire, or string, usually in series, and designed to move in the wind. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*104 Sign, portable,* means a sign consisting of a fixed message or a changeable message panel, which sign is not attached to a building or anchored within the ground and is capable of being moved easily from one location to another on its own chassis or by other means.

.*105 Sign, projecting,* means a sign which is attached to and projects more than 15 inches from the face of a wall of a building so that the face of the sign is perpendicular or nearly perpendicular to the face of such wall.

.*106 Sign, roof,* means a sign, other than a wall sign or suspended sign, attached to or projecting over the roof of a building.

.*107 Sign, suspended,* means a sign suspended from the underside of an awning sign, a canopy sign, a porte cochere, or the roof of a permanently covered walkway or porch. **(Ord. No. 2018-209, §2, 9-10-2018)**

.*108 Sign, temporary,* means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure. **(Ord. No. 2017-149, § 6, 9-11-2017)**

.*108:1 Sign, traffic control,* means a sign solely regulating safe driving, parking, or traffic movement. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*108:2 Sign, vehicle or trailer,* means a sign attached to or displayed on a vehicle or trailer, if the vehicle or trailer is used for the primary purpose of advertising a business, product, service, or other commercial activity. Any such vehicle or trailer shall, without limitation, be considered to be use for the primary purpose of advertising if it fails to display current license plates or inspection sticker, if the vehicle is inoperable, or if the sign alters the standard design of such vehicle or trailer. **(Ord. No. 2017-149, § 7, 9-11-2017)**

.*109 Sign, wall,* means a sign which is painted on or attached to a wall or parapet wall, window or other vertical surface of a building, including the face of a porte cochere, permanently covered walkway or porch, and which sign extends no more than 15 inches from the surface to which it is attached, does not extend beyond the extremities of such surface and the message portion of which is parallel or nearly parallel to the surface to which the sign is attached. For a sign attached to a parapet wall, no portion of the sign may extend more than four feet above the roofline. Signs attached to the lower plane of a mansard or gambrel roof of a building shall be construed as wall signs, provided that such signs are attached flat to the roof surface or are parallel to the building wall above which they are located and do not extend beyond the extremities of the roof surface to which they are attached.

.*109:1 Sign, window,* means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

(Ord. No. 2017-149, 9-11-2017)

.110 *Social service delivery use* means a use which is operated for the purpose of providing directly to persons who are members of a specific client group, as opposed to the general public, one or more services such as counseling, training, medical care, feeding, or similar services, when such use is operated on a not-for-profit basis and when no compensation or greatly reduced compensation is paid by persons receiving such service. The term "social service delivery use" shall not be construed to include uses operated by governmental agencies, facilities for housing of persons, facilities intended for incarceration or alternative sentencing, or facilities primarily for the care or treatment of persons who are currently illegally using or are addicted to a controlled substance as defined in Code of Virginia, § 54.1-3401. An office operated for the purpose of administration of a service agency and not intended for the delivery of a service directly to the client shall not be construed to be a "social service delivery use."

.111 *Specified anatomical areas* means human genitals in a state of sexual arousal.

.112 *Specified sexual activities* means:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

.113 *Story* means the space of a building between successive floor levels of occupiable and habitable space, as determined by application of the Virginia Uniform Statewide Building Code, or between the floor and the top of the unfinished ceiling joists of the uppermost level of occupiable and habitable space as determined by application of the Virginia Uniform Statewide Building Code. A story as defined herein having less than five feet of its height situated above the mean grade level at the building facade along the street frontage of the lot shall not be considered a story for purposes of determining the number of stories in a building located in a district where height regulations are stated in terms of number of stories. (Ord. No. 2009-40-57, § 1 & Ord. No. 2009-36-56, § 1, 4-27-2009)

.114 *Story height* means the distance between the floor level of a story of a building and the floor level of the story immediately above or, in the case of the uppermost story of a building, the distance between the floor level and the top of the unfinished ceiling joists. (Ord. No. 2009-40-57, § 1 & Ord. No. 2009-36-56, § 1, 4-27-2009)

.115 *Story, street level* means, for the purposes of determining application of fenestration requirements, the story (of a building) having its floor elevation closest to the elevation of the adjacent street or any story partially below the elevation of the adjacent street and having 5 feet or more of its height above the elevation of the street.(Ord. No. 2009-40-57, § 1 & Ord. No. 2009-36-56, § 1, 4-27-2009)

.116 *Street* means a public or private thoroughfare which affords the principal means of vehicular access to abutting properties and including the entire area between the street lines.

.117 *Street frontage* means that portion of a lot abutting a street and situated between lot lines intersecting such street. Also referred to as "lot frontage." ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 3]***

.118 *Street line* means the right-of-way of a public street or the boundary line of a private street or access easement.

.118:1 *Street-oriented commercial frontage* means that portion of a lot abutting a street designated as a street-oriented street on the official zoning map established and maintained pursuant to Section 30-200 and situated between lot lines intersecting such street. **(Ord. No. 2017-150, §8, 9-25-2017)**

.119 *Structural alteration* means any change in the supporting members of a structure, including foundations, bearing walls, bearing partitions, columns, beams or girders, or any change in the supporting members of a roof of a structure.

.120 *Structure* means anything constructed or erected which has a fixed location on the ground or which is attached to something having a fixed location on the ground, or an assembly of materials forming a construction for occupancy or use and containing not more than 150 square feet of floor area. **(2010-209-216, §4; 12-13-2010)**

.121 *Temporary event* means any activity occurring on private property, other than an activity which is otherwise permitted as a principal or accessory use on the property by virtue of the use regulations applicable in the district in which the property is located, when such activity is open to the general public and occurs on no more than a total of four days in any consecutive 12-month period. **(Ord. No. 2012-234-2013-2, § 1, 1-14-2013)**

.122 *Tourist home* means a building containing not more than ten guestrooms, with or without kitchens and with or without board, intended to be rented for compensation for occupancy by the traveling public and similar transient guests on a daily basis and in which access to individual guestrooms is provided exclusively from within the building, as distinguished from a hotel, motel, lodginghouse, group home, shelter or similar form of housing.

.123 *Transitional site* means a lot or portion thereof located in an RO, HO or B district and situated within 50 feet of and fronting on the same block as property in an R district. A corner site as described shall not be considered a transitional site where one frontage of the site is adjacent to or across an alley from property zoned other than residential and where that frontage is situated along a major, secondary or collector street as designated in the city's master plan.

.124 *Travel trailer* means a portable vehicular dwelling on its own chassis intended to be towed by another vehicle and designed for short-term occupancy for travel, recreation and vacation use and containing 320 square feet of living space or less, with or without complete kitchen and sanitary facilities. A travel trailer shall be considered a recreational vehicle for the purpose of this chapter.

.125 *Travel trailer park* means a lot on which are located or which is arranged or equipped for the accommodation of two or more travel trailers or other recreational vehicles used for temporary dwelling purposes, with spaces for such available for rent on a daily or longer basis.

.126 *Unenclosed porch* means a covered or uncovered porch which is open to the weather or screened on all sides except where attached to the walls of a building.

.127 *Unit width* means the width of a single-family attached dwelling unit as measured between the side property lines at the front building wall for units attached on both sides, and between the side property line and the exterior face of the opposite outside wall for units attached on one side. When the width of a unit measured at the front building wall varies from the width measured at the rear building wall, unit width shall be determined by the average of the two.

.128 *Usable open space* means that portion of a lot or that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces or patios not covered by enclosed building space. (Ord. No. 2010-20, § 1, 3-8-2010)

.129 *Usable open space ratio* means the total square foot amount of usable open space on a lot for each square foot of floor area on the lot or on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area. (Ord. No. 2010-20, § 1, 3-8-2010)

.130 *Usable roof area* means that portion of the roof of a main building or an accessory building which is open to the sky and which is accessible to occupants of the premises and improved for their leisuretime use.

.131 *Vehicular area* means that portion of a lot which is designated or generally used for the parking or circulation of motor vehicles.

.132 *Wireless communications* means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes commercial wireless telecommunications services licensed by the Federal Communications Commission, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar commercial services that exist or that may be developed.

.133 *Wireless communications antenna array* means one or more rods (whips) that are omnidirectional, panels which are directional, or similar devices used for the transmission or reception of radio frequency (RF) signal.

.134 *Wireless communications facility* means an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for wireless communications purposes, typically consisting of an equipment enclosure or cabinet and one or more antennas mounted on an antenna support structure or alternative antenna support structure. Such facility may include direct links to land-based wired communications infrastructure or may use an accessory microwave relay to transmit signals to another point in the wireless or wired communications network.

.135 *Wireless communications facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a wireless communications facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to lattice electric power line support towers, water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

.136 *Wireless communications facility support structure* means a structure designed and constructed specifically to support an antenna array for wireless communications, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

.*137* *Yard* means an open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the ground level upward, except as otherwise provided in section 30-630.9. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 12].***

.*138* *Yard, front,* means a yard extending the length of the street frontage of a lot and being the minimum horizontal distance between the street line and the main building. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 12].***

.*139* *Yard, rear,* means a yard extending across the rear of a lot between the minimum required side yard lines and being the minimum horizontal distance between the rear lot line and the main building. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 12].***

.*140* *Yard, side,* means a yard parallel to the side lot line and extending from the rear of the required front yard or the street line, if no front yard is required, to the rear lot line and being the minimum horizontal distance between the side lot line and the main building. On irregular shaped lots, any yard to which the definitions contained in this article are not clearly applicable shall be deemed a side yard. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 12].***

.*141* *Yard, street side,* means a side yard adjacent to a street. ***[SEE: ZONING ILLUSTRATIONS OF SELECTED ZONING TERMINOLOGY – ILLUSTRATION 12].***

(Code 1993, § 32-1220; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2005-339-2006-10, § 1, 1-9-2006; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2006-115-100, § 1, 5-8-2006; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2006-197-217, § 4, 7-24-2006; Ord. No. 2006-331-2007-13, § 1, 1-8-2007; Ord. No. 2008-2-55, § 2, 3-24-2008; Ord. No. 2009-36-56, § 1, 4-27-2009; Ord. No. 2009-40-57, § 1, 4-27-2009, Ord. No 2010-19-31, § 3, 2-22-2010; Ord. No. 2010-20, § 1, 3-8-2010; 2010-209-216, §4; 12-13-2010; Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2012-234-2013-2, § 1, 1-14-2013; Ord. No. 2015-151-164, § 1& § 2, 9-14-2015)

[NOTE: Ord. No. 2009-221-2010-9; 1-25-2010 changed the name of the *Department of Community Development* to the *Department of Planning and Development Review*.]

APPENDIX A - FEE SCHEDULE*

(Amended through: May 14, 2018) [Ord No. 2017-106, § 3, 6-26-2017; Ord. No. 2018-089, § 1, 5-14-2018)

Code Section	Description	Fee
30-456.10(a)	Fee which shall accompany the preliminary community unit plan application (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$3,000.00
	Plus, per acre over 10 acres (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$100.00
30-456.10(b)	Fee which shall accompany each final community unit plan application (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$1,500.00
	Plus, per acre over 10 acres (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$100.00
30-456.10(c)	Fee which shall accompany each application for an extension to a community unit plan	$1,500.00
30-456.10(d)	Fee which shall accompany each application for an amendment to a community unit plan (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$1,500.00
30-692.7(d)	Permit and processing fee for an application for a small cell facility co-location permit:	
	For up to five small cell facilities on a permit application (Ord. No. 2017-106, § 3, 6-26-2017)	$100.00
	For each additional small cell facility on a permit application (Ord. No. 2017-106, § 3, 6-26-2017)	$50.00
	Plus, per acre over ten acres (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$100.00
30-930.8(a)	Fee which shall accompany each petition to appeal the decision of the commission of architectural review pertaining to issuance or denial of a certificate of appropriateness for property in an old and historic district	
	(i) used as a single-family dwelling (Ord. No. 2010-186-199, §3; 11-22-2010)	$150.00
	(ii) used as other than a single-family dwelling (Ord. No. 2010-186-199, §3; 11-22-2010)	$500.00
30-1020.4(a)	Fee for filing an application for a certificate of zoning compliance: (Ord. No. 2018-089, § 1, 5-14-2018)	
	(1) Home occupation	$75.00
	(2) Single- or two-family detached or attached dwelling (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$75.00
	(3) Private elementary or secondary school	$75.00
	(4) Church or other place of worship	$75.00
	(5) Day nursery	$75.00
	(6) Adult day care facility	$75.00
	(7) Multifamily dwelling (three to ten units)	$150.00
	(8) Multifamily dwelling (11-50 units) (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$300.00
	(9) Multifamily dwelling (more than 50 units) (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$500.00
	(10) Commercial or industrial use equal to or less than 5,000 square feet (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$150.00
	(11) Commercial or industrial use greater than 5,000 square feet	$300.00
	(12) Adult care residence or lodginghouse	$300.00
	(13) Portable storage unit (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$10.00
	(14) Wireless communications facility (Ord. No. 2015-80-74, § 2, 5-11-2015)	$500.00
	(15) Uses not specified (Ord. No. 2015-80-74, § 2, 5-11-2015)	$200.00
30-1020.5	Fee for filing an application for a letter of zoning compliance for the respective use: Ord. No. 2018-089, § 1, 5-14-2018)	
	(1) Home occupation	$75.00
	(2) Single- or two-family detached or attached dwelling (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$75.00
	(3) Private elementary or secondary school	$75.00
	(4) Church or other place of worship	$75.00
	(5) Day nursery	$75.00
	(6) Adult day care facility	$75.00
	(7) Multifamily dwelling (three to ten units)	$150.00
	(8) Multifamily dwelling (11-50 units) (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$300.00
	(9) Multifamily dwelling (more than 50 units) (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$500.00
	(10) Commercial or industrial use equal to or less than 5,000 square feet	$150.00
	(11) Commercial or industrial use greater than 5,000 square feet (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$300.00
	(12) Adult care residence or lodginghouse	$300.00
	(13) Uses not specified	$150.00
	(14) Building or structure for which no building permit is required	$25.00
	(15) Additional fee for filing an expedited application for a letter of zoning compliance for any use, which shall be processed within five business days (Ord No. 2010-237-2011-16, § 1, 1-24-2011; Ord. No. 2018-089, § 1, 5-14-2018))	$600.00

	*APPENDIX A - FEE SCHEDULE** CHAPTER 30. – ZONING **(Continued)**	
30-1030.6	Fee, based on the floor area and area of land disturbing activity for the project as set forth below, which shall accompany each plan of development or amendment thereto: (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$ 825.00
	(1) Less than or equal to 5,000 square feet (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$ 500.00
	(2) 5,001 square feet to 50,000 square feet (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$1,000.00
	(3) Over 50,000 square feet (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$1,500.00
	Plus, per acre (Ord. No. 2004-180-167, § 5, 6-28-2004; Ord. No. 2007-54-121, § 1, 5-29-2007; 2010-237-2011-16, § 1, 1-24-2011)	$ 100.00
30-1040.4	Fee which shall accompany each application for a variance granted by the zoning administrator (Ord No. 2010-237-2011-16, § 1, 1-24-2011)	$ 100.00
30-1045.12(a)	Fee which shall accompany each conditional use permit application Plus, per acre (Ord. No. 2014-260-2015-10, § 1, 1/12/2015)	$1,500.00 $ 100.00
30-1045.12(b)	Fee which shall accompany each application for an amendment to a conditional use permit Plus, per acre (Ord. No. 2014-260-2015-10, § 1, 1/12/2015)	$1,000.00 $ 100.00
	Plus, per acre (Ord. No. 2007-54-121, § 1, 5-29-2007)	$ 110.00
30-1050.6(a)	Fee which shall accompany each special use permit application: (Ord. No. 2014-260-2015-10, § 1, 1/12/2015)	
(1)	Day nursery	$ 300.00
(2)	Single- or two-family detached or attached dwelling	$ 300.00
(3)	Outdoor dining	$ 300.00
(4)	Mobile food business	$ 300.00
(5)	Multi-family dwelling (three to ten units)	$1,800.00
(6)	Commercial or industrial use equal to or less than 5,000 square feet	$1,800.00
(7)	Multi-family dwelling (more than ten units)	$2,400.00
(8)	Commercial or industrial use greater than 5,000square feet	$2,400.00
(9)	Signs (Ord. No. 2018-209, §5, 9-10-2018)	$ 300.00
30-1050.6(b)	Fee which shall accompany each application for an amendment to a special use permit pertaining to a change in the originally approved special use permit or amendment thereto (Ord. No. 2014-260-2015-10, § 1, 1/12/2015)	
(1)	Day nursery	$ 200.00
(2)	Single- or two-family detached or attached dwelling	$ 200.00
(3)	Outdoor dining	$ 200.00
(4)	Mobile food business	$ 200.00
(5)	Multi-family dwelling (three to ten units)	$1,200.00
(6)	Commercial or industrial use equal to or less than 5,000 square feet	$1,200.00
(7)	Multi-family dwelling (more than ten units)	$1,800.00
(8)	Commercial or industrial use greater than 5,000square feet	$1,800.00
(9)	Signs (Ord. No. 2018-209, §5, 9-10-2018)	$ 300.00
30-1050.6(d)	Fee which shall accompany each continuance of a special use permit caused by the applicant	$ 250.00
30-1080	Administrative fee on any violator to cover the costs arising out of an enforcement action	$ 100.00
30-1160(a)	Fee to accompany a petition for amendment, supplementation or repeal of the regulations and restrictions and the boundaries of the districts established by chapter 30 (Ord. No. 2014-260-2015-10, § 1, 1/12/2015) Plus, per acre (Ord. No. 2014-260-2015-10, § 1, 1/12/2015) Fee which shall accompany each continuance of a rezoning caused by the applicant (Ord. No. 2014-260-2015-10, § 1, 1/12/2015)	$1,500.00 $ 100.00 $ 250.00
30-1170.8(c)	Fee which shall accompany each petition for city council review of the zoning administrator's decision to administer and enforce conditions attached to a rezoning or amendment to the zoning map	$ 400.00