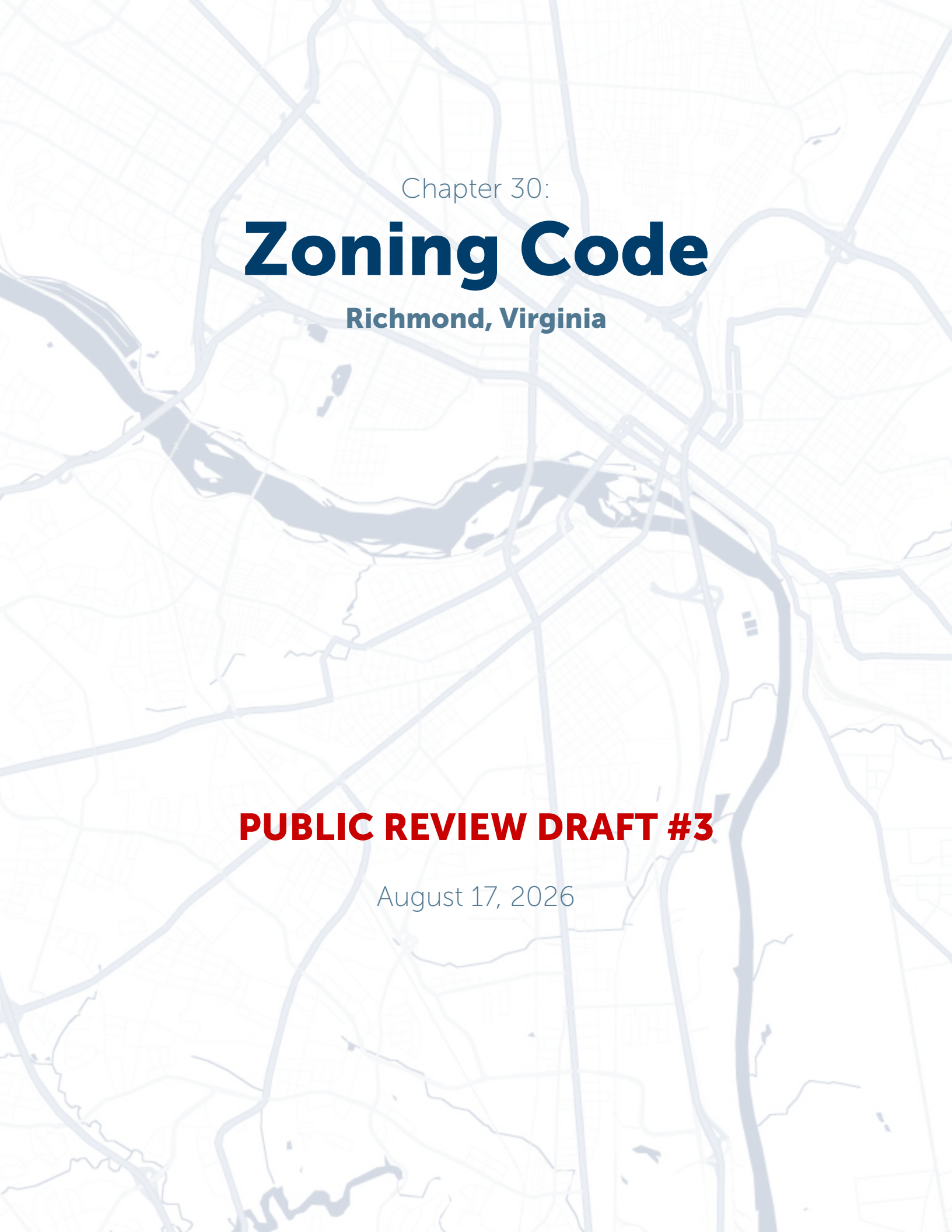


A light blue background map of Richmond, Virginia, showing the James River and surrounding streets.

Chapter 30:

Zoning Code

Richmond, Virginia

PUBLIC REVIEW DRAFT #3

August 17, 2026

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SEC. 1.1. **GENERAL PROVISIONS**

1.1.1. **Title**

The provisions of this Chapter are enabled pursuant to *Code of Virginia, § 15.2-2280 et seq.* This Chapter, and all provisions contained in this document, together with the City's Official Zoning Map are known and may be cited as the "Zoning Code of the City of Richmond, Virginia."

1.1.2. **Jurisdiction**

- A. The provisions of this Zoning Code apply to all property located within the corporate limits of the City of Richmond.
- B. The provisions of this Zoning Code also apply to new territory which comes within the City limits by annexation, boundary adjustment or otherwise.

1.1.3. **Purpose and Intent**

The provisions in this Zoning Code are for the general purpose of promoting the health, safety and general welfare of the public. To these ends, the provisions are designed to:

- A. Implement the policies and goals of officially adopted plans, including the City's Master Plan;
- B. Provide clear regulations and processes that result in predictable, efficient, and coordinated development;
- C. Provide building and site design standards that address the public aspects of private development and how building form, placement, and uses contribute to the quality and walkability of the public realm;
- D. Promote diverse housing options through the City;
- E. Guide reinvestment in established neighborhoods that preserves and reinforces their unique characteristics;
- F. Promote development along key corridors that enhance their function as mixed-use, walkable corridors that serve surrounding residential neighborhoods;
- G. Provide standards for compatible transitions of use, building scale, and height between existing and new development;
- H. Provide standards that appropriately balance pedestrian, bicyclist, and mobility needs and result in useful, safe, comfortable, and interesting pedestrian and bicyclist environments of the highest quality;
- I. Promote sustainable building and site design practices;
- J. Promote quality landscape and building design that advance the function and beauty of Richmond; and
- K. Provide clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.

1.1.4. Relationship to the City's Master Plan

The City's Master Plan serves as the policy guidance for development activity under this Zoning Code. The policies and action items of the Master Plan may be amended from time to time to meet the changing requirements of the City in accordance with the standards and procedures in *Chapter 17 of the Charter*.

1.1.5. Minimum Requirements

The regulations and standards within this Zoning Code are the minimum requirements for the promotion of the public safety, necessity, convenience, general welfare, and good zoning and practice.

1.1.6. Effective Date and Vesting

A. Effective Date

This Zoning Code was adopted on XXXX, XX 2026, and became effective on XXXX, XX 2026.

B. Vested Rights and Disposition of Pending Applications

Nothing in this Zoning Code will be construed to authorize the impairment of any vested right under *Code of Virginia, § 15.2-2307*. Applications for projects pending on the Effective Date of this Zoning Code, will continue to be reviewed under the previous Zoning Code.

C. Severability

1. Except where otherwise expressly provided, should any section or provision of this Zoning Code be adjudged invalid by a court of competent jurisdiction, such judgment does not affect the validity of the remainder of this Zoning Code and the remainder continues in full force and effect.
2. Should the application of any section or provision of this Zoning Code to a particular property, building, structure or use be adjudged invalid by a court of competent jurisdiction the judgment does not affect the application of that section or provision to any other property, building, structure or use.

1.1.7. **Covenants in Deeds, Contracts and Agreements**

This Zoning Code should not be interpreted to affect a covenant contained in any deed, contract or agreement, relating to the use of any land, building or structure. However, where this Zoning Code imposes greater restrictions than any such covenants, the sections of this Zoning Code prevails.

1.1.8. **Mailed Notice**

When this Zoning Code or applicable law requires notice of a public hearing to be mailed to a property owner, the Department of Planning and Development Review must mail the required notice to each property owner entitled to notice.

SEC. 1.2. **OFFICIAL ZONING MAP**

1.2.1. **Preservation of Official Zoning Map and Amendments**

- A. The Planning Director must 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 the amendment and that the City's Geographic Information System identifies the official action by which the amendment was made, the date of the action and the area involved.
- B. It is unlawful for any person to make any change in the Official Zoning Map except by authorization of the Planning Director in accordance with the procedures and requirements in this Zoning Code.

1.2.2. **Copies of Official Zoning Map**

A printed copy of the Official Zoning Map must be retained in the Office of the City Clerk and in the Department of Planning and Development Review. The Planning Director must print updated copies periodically as needed.

1.2.3. **Interpretation of District Boundaries**

Whenever uncertainty exists with respect to the boundary lines of districts shown on the Official Zoning Map, the following rules apply.

A. Discrepancy Between Official Zoning Map and a Copy

Where a discrepancy exists between a district boundary shown on the Official Zoning Map and that which is shown on a copy, the Official Zoning Map is the final authority.

B. Discrepancy Between Official Zoning Map and an 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 the boundary, the text of the ordinance is the final authority.

C. Property and Other Lines as Boundaries

Where zoning district boundaries appear to follow street, lot, property or other lines of similar nature, they follow those lines. If a street or alley is closed by the City, the district boundary is interpreted as having been at the centerline.

D. Measurement of Boundaries

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

E. Interpretations by Board of Zoning Appeals

Where the street layout on the ground varies from the street layout shown on the Official Zoning Map, the district boundaries must be interpreted by the Board of Zoning Appeals as set forth in *Chapter 17 of the Charter*.

F. Unclassified Areas and Additions to Jurisdictional Area

Areas unclassified by the Official Zoning Map and for which none of the rules above are applicable and areas newly annexed to the City are interpreted as being within an RD-A Residential Detached Low District until otherwise designated by the City Council.

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SEC. 2.1. GENERAL PROVISIONS

2.1.1. Zoning Districts Established

In order to accomplish the purpose of this Zoning Code, the City is divided into the following zoning districts, as provided and as shown on the Official Zoning Map.

1. Residential Districts	
<i>RC</i>	Residential Cottage
<i>RD-A</i>	Residential Detached Low
<i>RD-B</i>	Residential Detached Medium
<i>RD-C</i>	Residential Detached High
<i>RA</i>	Residential Attached
<i>RM-A</i>	Residential Multi-Unit Low
<i>RM-B</i>	Residential Multi-Unit Medium
<i>RM-C</i>	Residential Multi-Unit High
<i>RM-S</i>	Residential Multi-Unit Suburban
2. Mixed Use Districts	
<i>MX-3</i>	Mixed Use 3
<i>MX-5</i>	Mixed Use 5
<i>MX-7</i>	Mixed Use 7
<i>MX-13</i>	Mixed Use 13
<i>MX-U</i>	Mixed Use Unlimited
3. Industrial Districts	
<i>IX</i>	Industrial Mixed Use
<i>IL</i>	Industrial Light
<i>IH</i>	Industrial Heavy
4. Institutional and Open Space Districts	
<i>CMP</i>	Campus
<i>INS</i>	Institutional
<i>CEM</i>	Cemetery
<i>OS</i>	Open Space

2.1.2. Applicability

- A. District requirements apply based on what type of project activity is proposed, as shown in the table below. Typically, more than one project activity applies (for example, an expansion of an existing use may include both an addition and a facade modification).

Cross-reference	District Requirements	Project Activity						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
2.6.2	Lot Size	●	○	○	○	○	○	○
2.6.3	Dwelling Units	●	●	○	○	●	●	○
2.6.4.A	Building Coverage	●	●	○	○	○	○	○
2.6.4.B	Vegetative Space	●	○	○	○	○	○	○
2.6.4.C	Outdoor Amenity Space	●	○	○	○	○	○	○
2.6.5	Building Setbacks	●	●	○	○	○	○	○
2.6.6	Build-To	●	○	○	○	○	○	○
2.6.7	Parking Location	●	●	●	○	○	○	○
2.6.8	Massing	●	●	○	○	○	○	○
2.6.9	Active Depth	●	○	○	○	○	○	○
2.6.10	Ground Story	●	○	○	○	○	○	○
2.6.11	Windows	●	○	○	●	○	○	○
2.6.12	Doors	●	○	○	●	○	○	○

● = Standards apply ○ = Standards do not apply

- B. Where a Section is listed as applying, and the zoning district includes standards for that requirement, all standards must be met. The standards may be further modified by the applicability provisions for each set of standards in 2.6. *Rules of Interpretation*. Applicability may also be modified by 6.3. *Nonconformities*.

2.1.3. Project Activities

A. New Construction

Any activity that includes the construction of a new building or structure and/or that affects more than 50% of the existing site area, or over 25,000 square feet of affected site area. Includes relocation of an existing structure to another location on the lot, or to any other lot. Relocation of an existing structure includes any activity that lifts any portion of a building off its foundation.

B. Addition

Any expansion of an existing building or structure that is less than the footprint of the existing building or structure, up to 25,000 square feet of new floor area. Includes activity that increases the floor area or the height of an enclosed space within an existing building. Any expansion that exceeds these thresholds is considered new construction.

C. Site Modification

Any modification of an existing site that affects less than 50% of the existing site area, up to 25,000 square feet of affected site area. Any site modification that exceeds these thresholds is considered new construction.

D. Facade Modification

Any change to the exterior envelope of a building that affects more than 250 square feet of facade area. Facade modifications include changes to any of the following: the facade of a building; the amount of exterior foundation wall that is exposed above finished grade; or an architectural element including a balcony, porch, or deck attached to a facade.

E. Change of Use

Any change in use or a modification of an area designed and intended for a specific use from a previously approved use. Includes a change in the principal use of any portion of a building or lot from one to another. Includes the expansion of floor area, site area, or lot area dedicated to a use or an increase in the intensity of a use, such as an increase in seating capacity or the number of persons in care.

F. Renovation

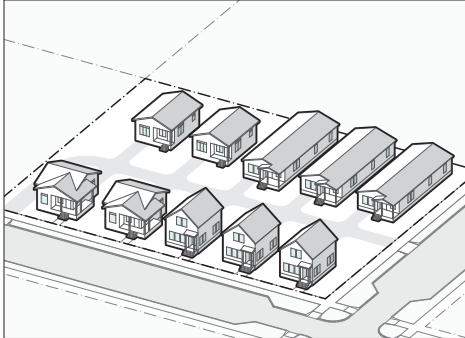
Any modification to an existing building or structure that does not expand the building or structure and does not exceed the following: removal of up to 50% of the perimeter wall framing; removal of up to 50% of the roof framing; or removal of up to 50% of the structural members. Any modification that exceeds these thresholds is considered new construction.

G. Maintenance and Repair

Activity done to correct the deterioration, decay of, or damage to, any part of a building, structure, or lot, that does not involve a change or modification of the existing design, outward appearance or applicable zoning requirements. In-kind replacement of deteriorated or damaged parts of a building is considered maintenance and repair. Maintenance and repair includes repair of site components such as parking lots or landscaping, but does not include resurfacing of an existing parking lot. Includes any modification to meet fire, life safety, and ADA requirements.

SEC. 2.2. RESIDENTIAL DISTRICTS

2.2.1. Summary of Districts



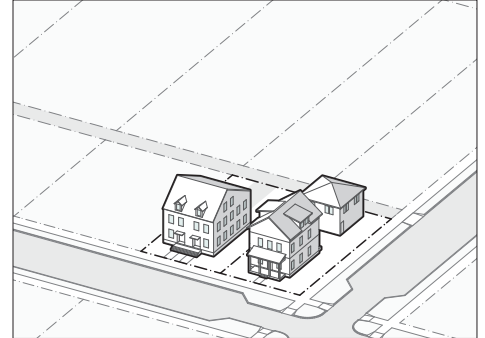
A. Residential Cottage (RC)

Allows for clusters of small detached homes that could include manufactured and tiny home parks.



B. Residential Detached Low (RD-A)

Allows one detached principal dwelling unit and one attached or detached accessory dwelling unit, on a lot no less than 90 feet in width. Limited ground floor commercial is allowed conditionally.



C. Residential Detached Medium (RD-B)

Allows one detached principal dwelling unit and one attached or detached accessory dwelling unit, on a lot no less than 50 feet in width. Limited ground floor commercial is allowed conditionally.



D. Residential Detached High (RD-C)

Allows one detached principal dwelling unit and one attached or detached accessory dwelling unit, on a lot no less than 30 feet in width. Limited ground floor commercial is allowed conditionally.



E. Residential Attached (RA)

Allows two principal units within a single structure. A detached accessory dwelling unit is allowed if there is only one principal dwelling unit on the lot. Limited ground floor commercial is allowed conditionally.



F. Residential Multi-Unit Low (RM-A)

Allows up to 4 dwelling units on lot. Limited by-right ground floor commercial is allowed subject to special standards.



G. Residential Multi-Unit Medium (RM-B)

Allows up to 12 dwelling units on a lot. Limited by-right ground floor commercial is allowed subject to special standards.



H. Residential Multi-Unit High (RM-C)

Allows an unlimited number of dwelling units on lot. Limited by-right ground floor commercial is allowed subject to special standards.

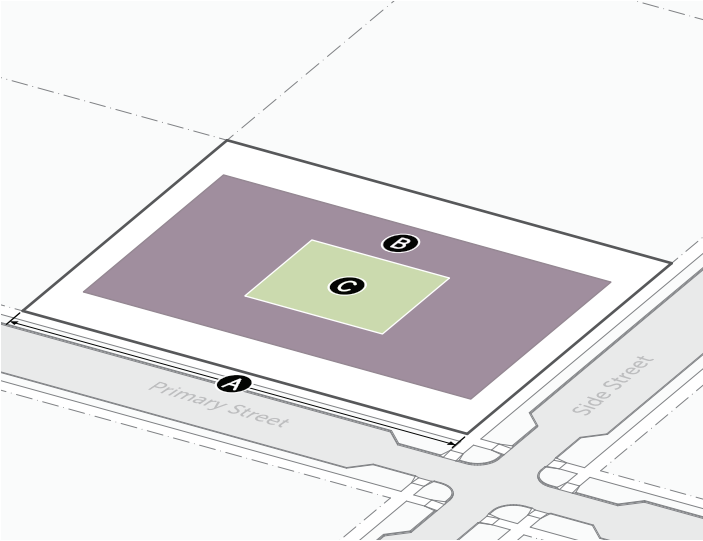


I. Residential Multi-Unit Suburban (RM-S)

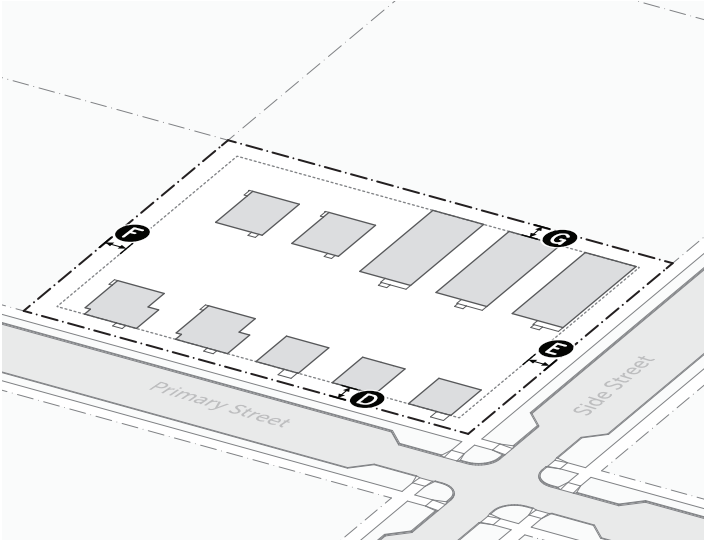
Allows an unlimited number of dwelling units on lot in a suburban garden-apartment pattern. Development is characterized by multiple dwelling units arranged in one or more low- to mid-rise buildings, with buildings set within landscaped sites and generally separated from the street and from one another. Limited by-right ground floor commercial is allowed subject to special standards.

2.2.2. RC RESIDENTIAL COTTAGE

A. Lot Standards

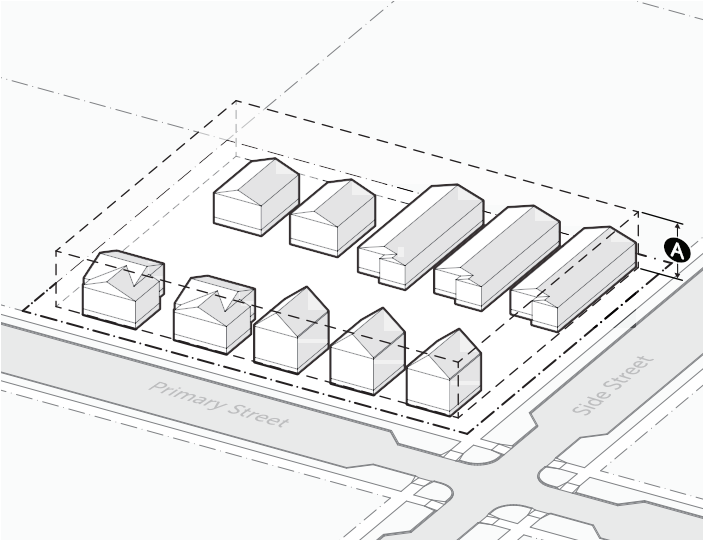


1. Lot Size	Sec. 2.6.2
A Lot width (min)	30'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	1
3. Coverage	Sec. 2.6.4
B Building coverage (max)	50%
Vegetation space (min)	10%
C Amenity space (min)	10%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min)	10'
E Side street (min)	10'
F Side (min)	10'
G Rear (min)	10'
Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

B. Building Standards



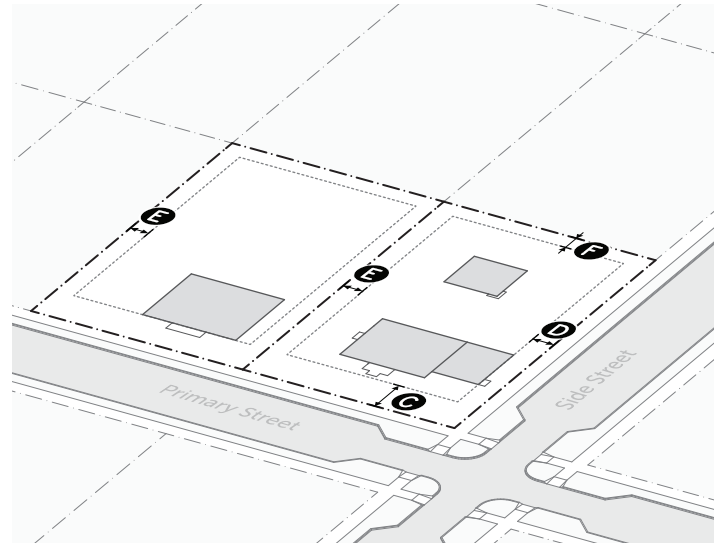
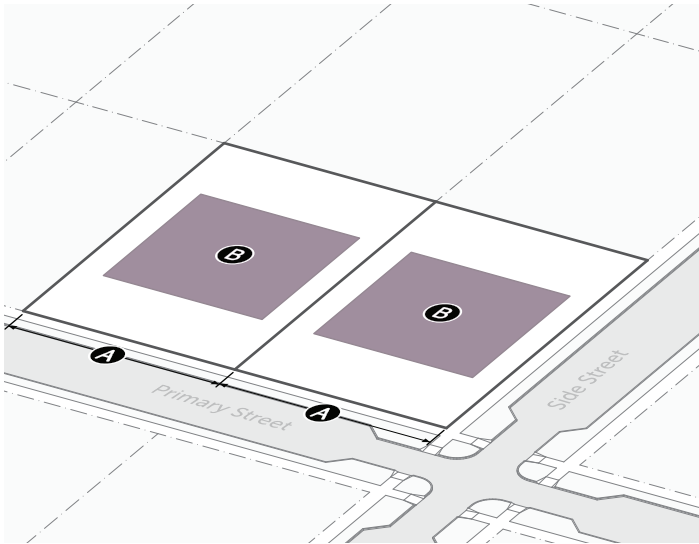
1. Massing	Sec. 2.6.8
Ⓐ Building height (max)	1.5 stories/20'
Floor area per unit (max)	1,200 SF
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a



	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

2.2.3. **RD-A** RESIDENTIAL DETACHED LOW

A. Lot Standards

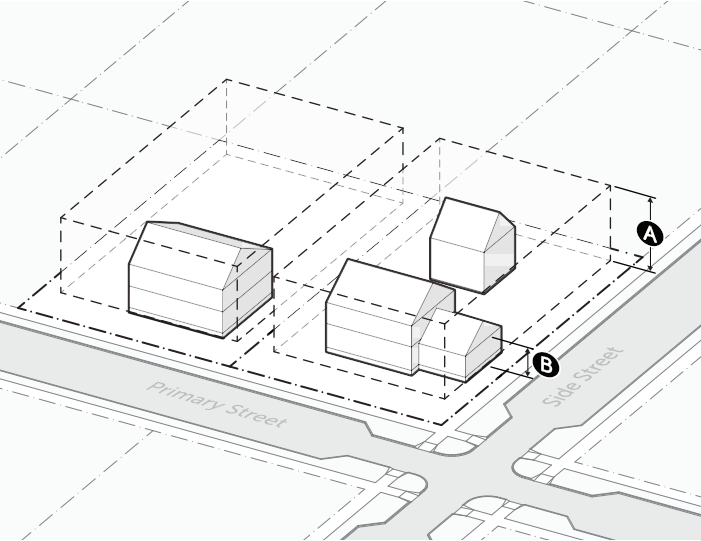


1. Lot Size	Sec. 2.6.2
A Lot width (min)	90'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	1 + ADU ≤1,200 SF
Dwelling units per building (max)	2
3. Coverage	Sec. 2.6.4
B Building coverage (max)	
1 unit	20%
1 unit + ADU	30%
All other uses	30%
Vegetation space (min)	30%
Amenity space (min)	n/a

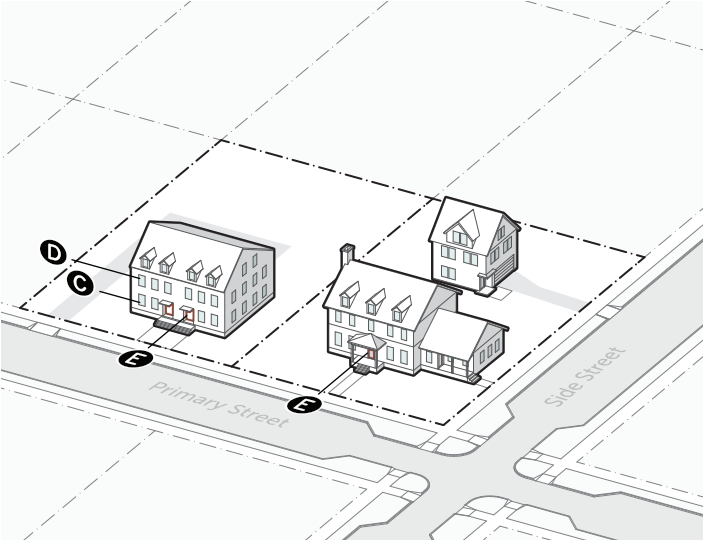
4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	Existing range or 20'
D Side street (min)	10'
E Side (min)	9'
F Rear (min)	9'
Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

RD-A

B. Building Standards



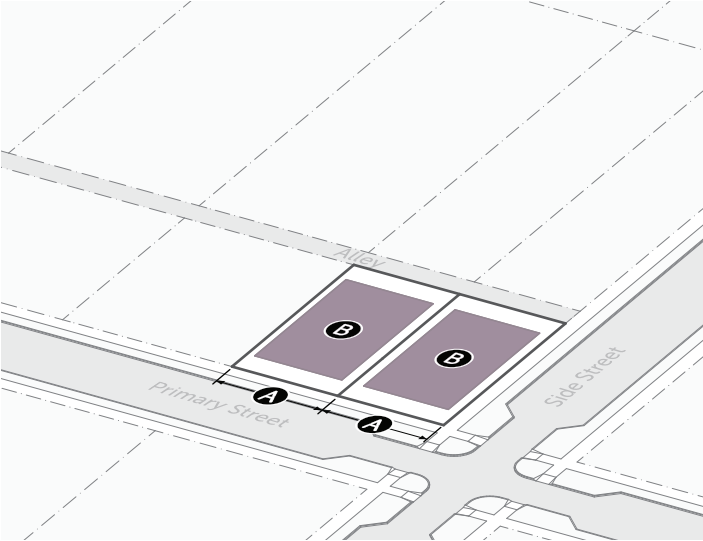
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 3 stories/35'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
B Ground story height (min)	9'
Finished floor elevation (min/max)	0'/4'



	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
C Ground story (min)	10%	n/a
D Upper story (min)	10%	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
E Street-facing entrance	Required	n/a

2.2.4. **RD-B** RESIDENTIAL DETACHED MEDIUM

A. Lot Standards



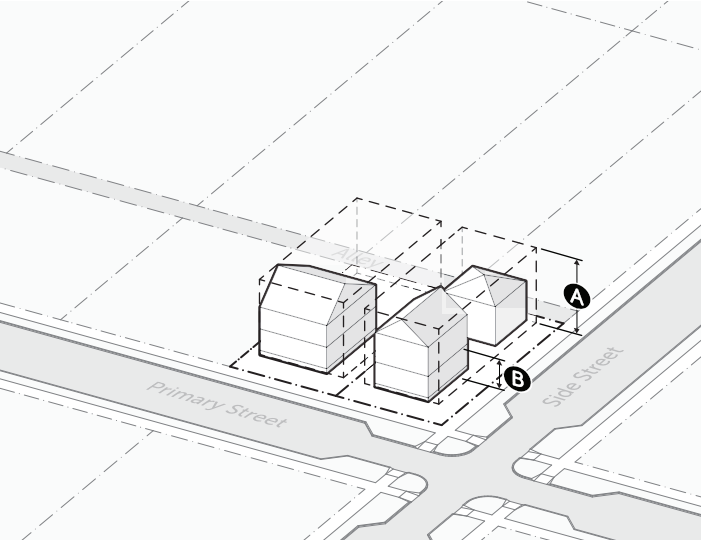
1. Lot Size	Sec. 2.6.2
A Lot width (min)	50'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	1 + ADU ≤1,200 SF
Dwelling units per building (max)	2
3. Coverage	Sec. 2.6.4
B Building coverage (max)	
1 unit	30%
1 unit + ADU	40%
All other uses	40%
Vegetation space (min)	20%
Amenity space (min)	n/a



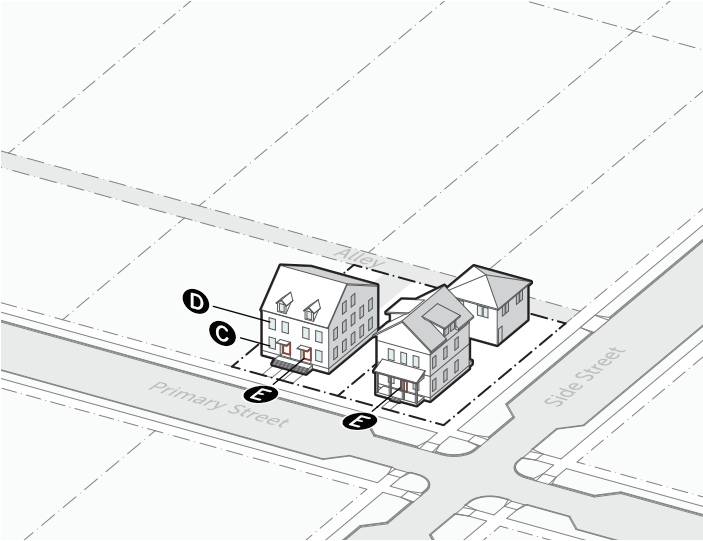
4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	Existing range or 20'
D Side street (min)	10'
E Side (min)	5'
Rear (min)	5'
F Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

RD-B

B. Building Standards



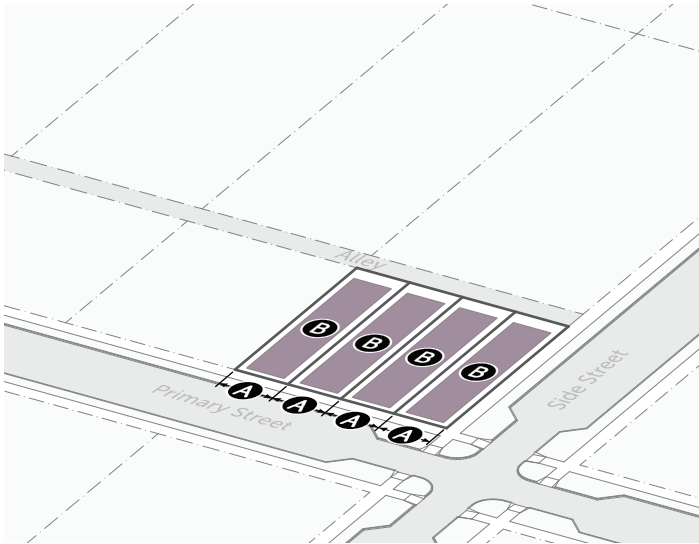
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 3 stories/35'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
B Ground story height (min)	9'
Finished floor elevation (min/max)	0'/4'



	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
C Ground story (min)	10%	n/a
D Upper story (min)	10%	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
E Street-facing entrance	Required	n/a

2.2.5. RD-C RESIDENTIAL DETACHED HIGH

A. Lot Standards

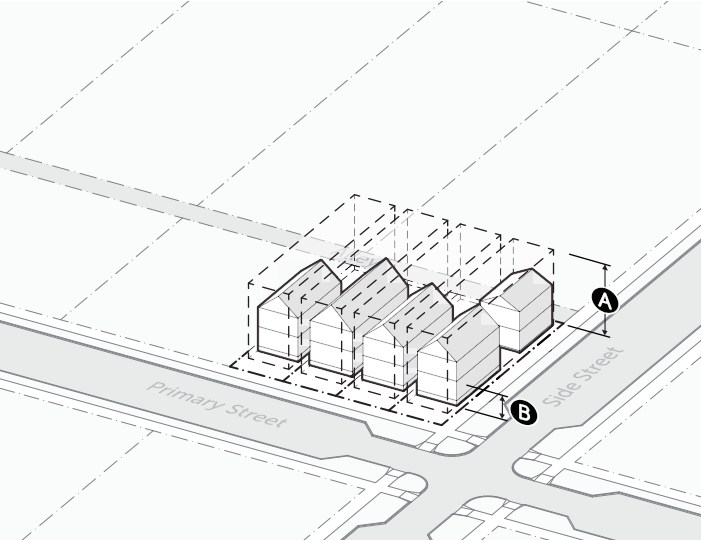


1. Lot Size	Sec. 2.6.2
A Lot width (min)	30'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	1 + ADU ≤1,200 SF
Dwelling units per building (max)	2
3. Coverage	Sec. 2.6.4
B Building coverage (max)	
1 unit	40%
1 unit + ADU	50%
All other uses	50%
Vegetation space (min)	10%
Amenity space (min)	n/a

4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	Existing range or 10'
D Side street (min)	0'
E Side (min)	3'
Rear (min)	3'
F Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

RD-C

B. Building Standards



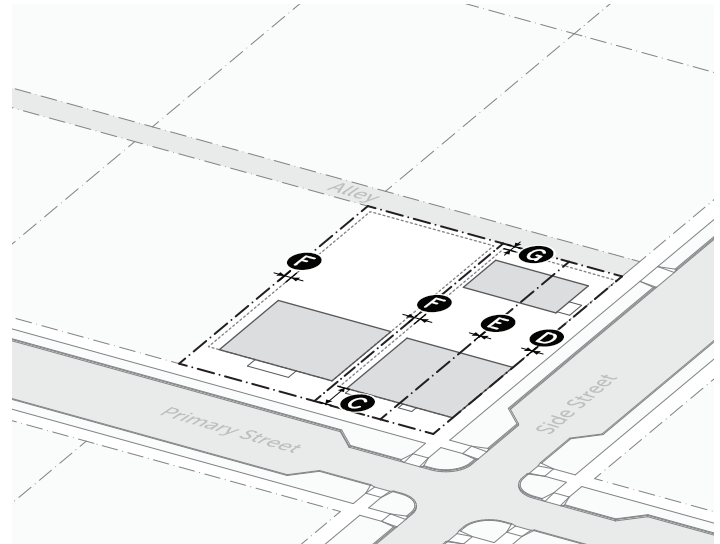
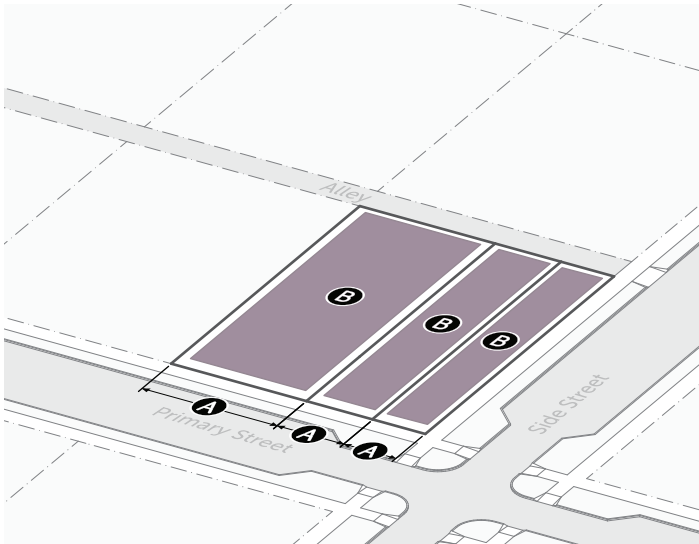
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 3 stories/35'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
B Ground story height (min)	9'
Finished floor elevation (min/max)	0'/4'



	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
C Ground story (min)	10%	10%
D Upper story (min)	10%	10%
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
E Street-facing entrance	Required	n/a

2.2.6. **RA** RESIDENTIAL ATTACHED

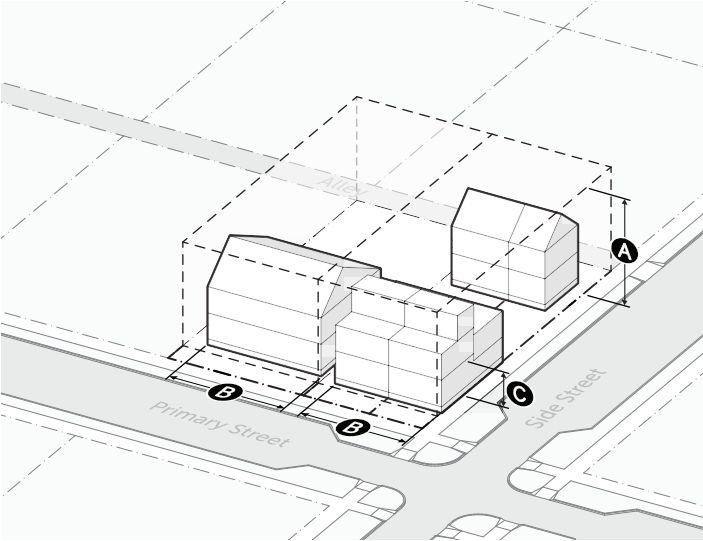
A. Lot Standards



1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	2
Dwelling units per building (max)	2
3. Coverage	Sec. 2.6.4
B Building coverage (max)	
1 unit	50%
2 units	60%
All other uses	60%
Vegetation space (min)	5%
Amenity space (min)	n/a

4. Building Setbacks	Sec. 2.6.5
C Primary street (min/max)	Existing range or 10'
D Side street (min/max)	0'
E Side, attached (min)	0'
F Side, detached (min)	3'
Rear (min)	3'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

B. Building Standards



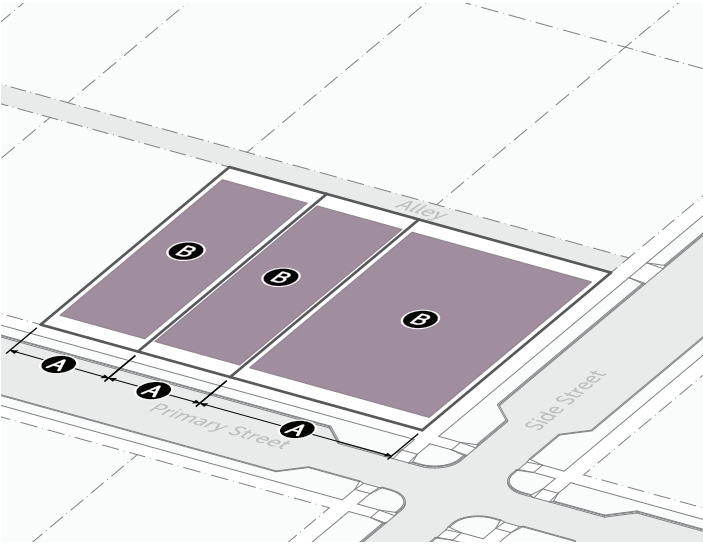
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 3 stories/35'
B Attached units in a row (max)	4
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
C Ground story height (min)	9'
Finished floor elevation (min/max)	0'/4'



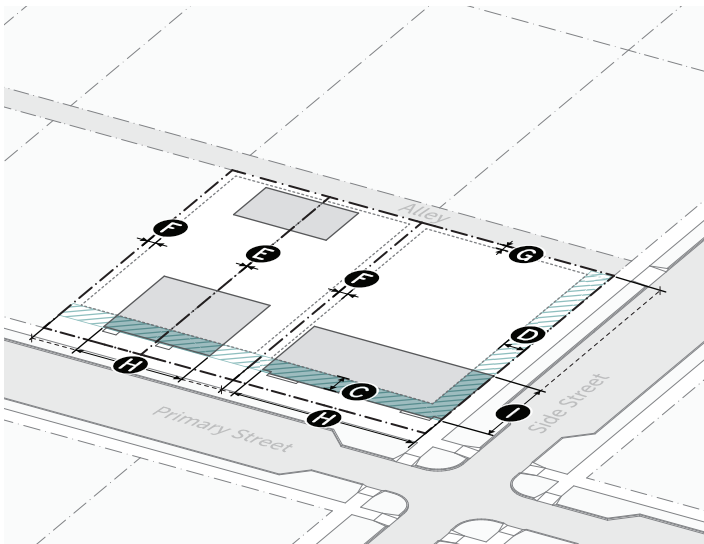
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
D Ground story (min)	10%	10%
E Upper story (min)	10%	10%
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
F Street-facing entrance	Required	n/a

2.2.7. **RM-A** RESIDENTIAL MULTI-UNIT LOW

A. Lot Standards



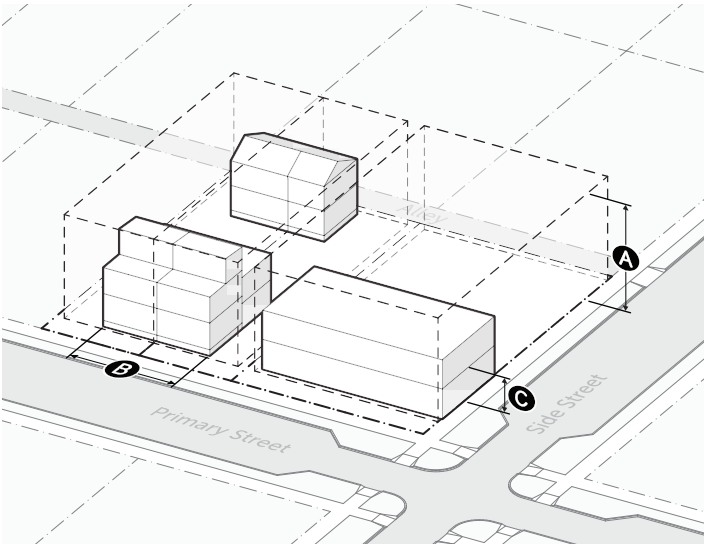
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	4
Dwelling units per building (max)	4
3. Coverage	Sec. 2.6.4
B Building coverage (max)	70%
Vegetation space (min)	5%
Amenity space (min)	n/a



4. Building Setbacks	Sec. 2.6.5
C Primary street (min/max)	Existing range or 10'/20'
D Side street (min/max)	0'/10'
E Side, attached (min)	0'
F Side, detached (min)	3'
Rear (min)	3'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	70%
I Side street (min)	30%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

RM-A

B. Building Standards



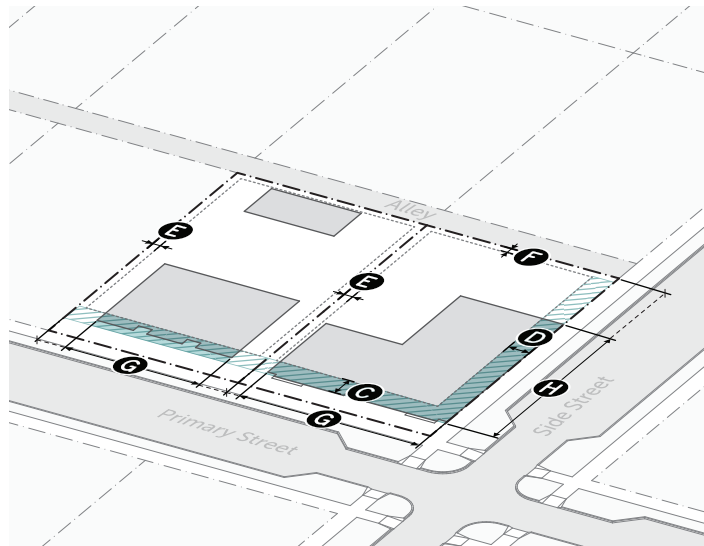
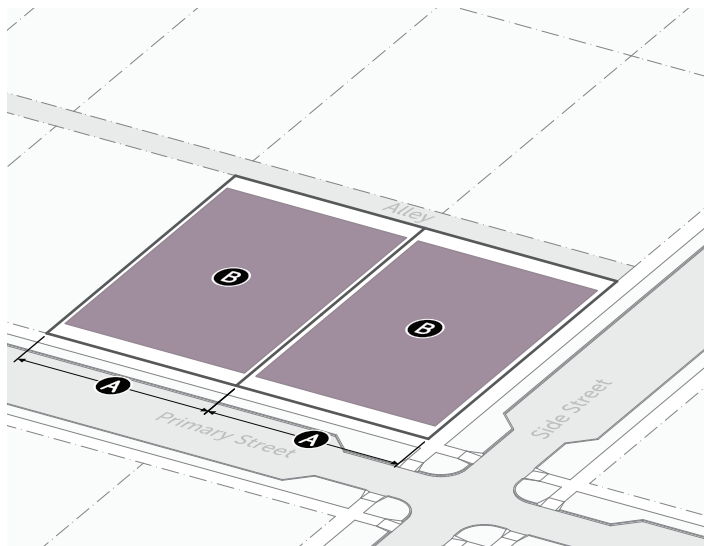
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 3 stories/40'
B Attached units in a row (max)	8
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
C Ground story height (min)	10'
Finished floor elevation (min/max)	0'/4'



	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
D Ground story (min)	10%	10%
E Upper story (min)	10%	10%
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
F Street-facing entrance	Required	n/a

2.2.8. **RM-B** RESIDENTIAL MULTI-UNIT MEDIUM

A. Lot Standards

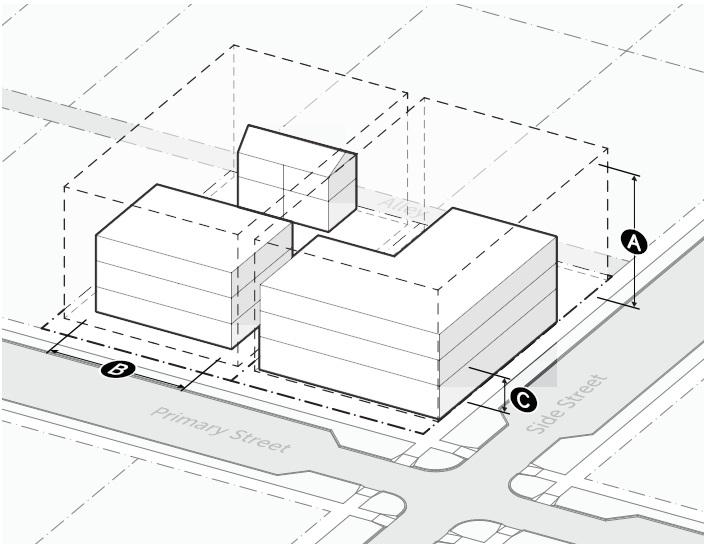


1. Lot Size	Sec. 2.6.2
Ⓐ Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	12
Dwelling units per building (max)	12
3. Coverage	Sec. 2.6.4
Ⓑ Building coverage (max)	80%
Vegetation space (min)	5%
Amenity space (min)	n/a

4. Building Setbacks	Sec. 2.6.5
Ⓒ Primary street (min/max)	Existing range or 10'/20'
Ⓓ Side street (min/max)	0'/10'
Side, attached (min)	0'
Ⓔ Side, detached (min)	3'
Rear (min)	3'
Ⓕ Alley (min)	3'
5. Build-to	Sec. 2.6.6
Ⓖ Primary street (min)	70%
Ⓗ Side street (min)	30%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

RM-B

B. Building Standards



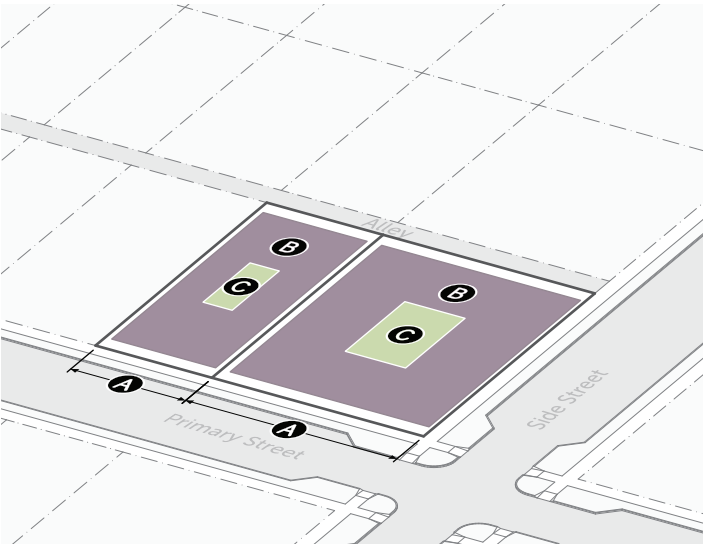
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 3 stories/45'
B Attached units in a row (max)	8
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
C Ground story height (min)	10'
Finished floor elevation (min/max)	-2'/4'



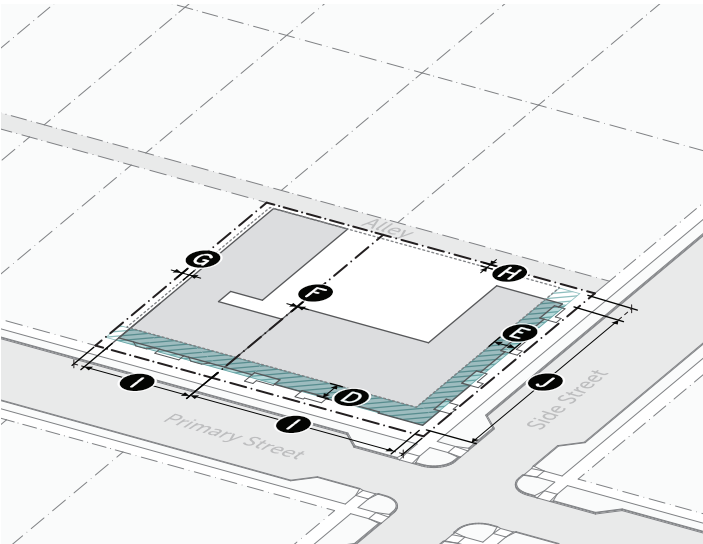
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
D Ground story (min)	10%	10%
E Upper story (min)	10%	10%
F Blank wall width (max)	20'	40'
5. Doors	Sec. 2.6.12	
G Street-facing entrance	Required	n/a

2.2.9. **RM-C** RESIDENTIAL MULTI-UNIT HIGH

A. Lot Standards



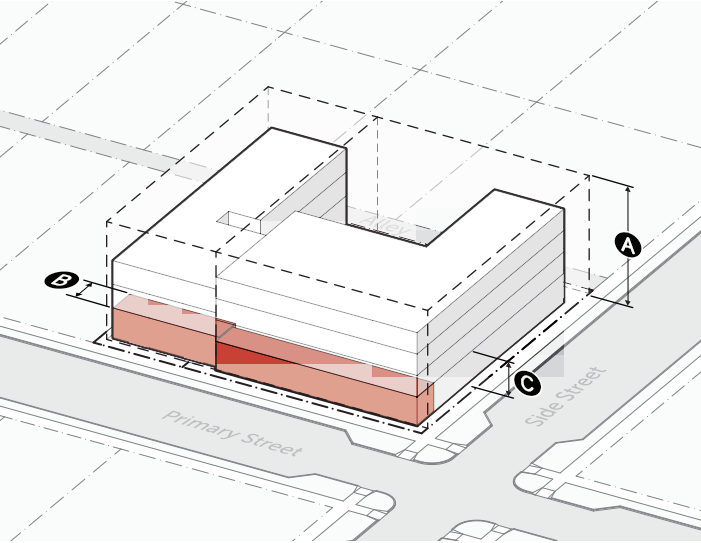
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	80%
Vegetation space (min)	5%
C Amenity space (min)	10%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	5'/15'
E Side street (min/max)	5'/15'
F Side, attached (min)	0'
G Side, detached (min)	3'
Rear (min)	3'
H Alley (min)	3'
5. Build-to	Sec. 2.6.6
I Primary street (min)	70%
J Side street (min)	30%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

RM-C

B. Building Standards



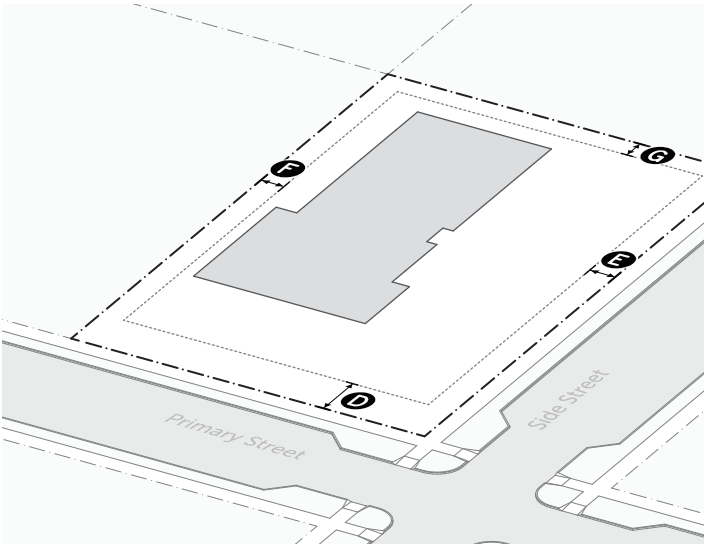
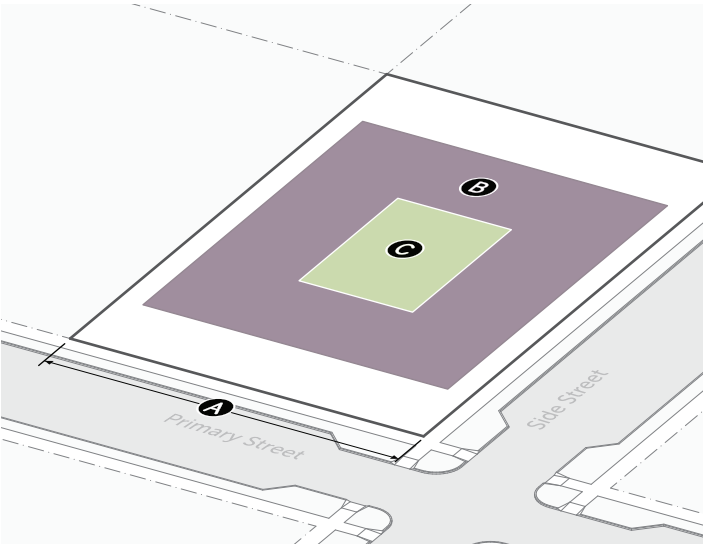
1. Massing	Sec. 2.6.8
A Building height (max)	Contextual or 4 stories/60'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
B Primary street (min)	9'
3. Ground Story	Sec. 2.6.10
C Ground story height (min)	10'
Finished floor elevation (min/max)	-2'/4'



	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
D Ground story (min)	20%	10%
E Upper story (min)	10%	10%
F Blank wall width (max)	20'	40'
5. Doors	Sec. 2.6.12	
G Street-facing entrance	Required	n/a

2.2.10. **RM-S** RESIDENTIAL MULTI-UNIT SUBURBAN

A. Lot Standards

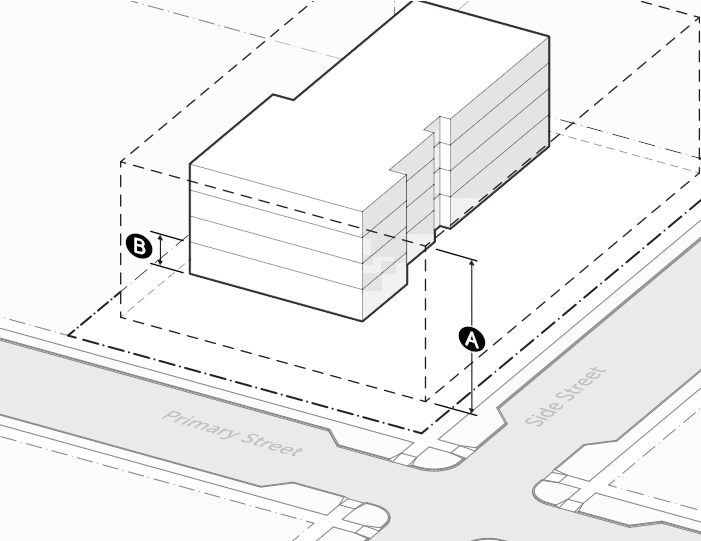


1. Lot Size	Sec. 2.6.2
A Lot width (min)	30'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	60%
Vegetation space (min)	20%
C Amenity space (min)	10%

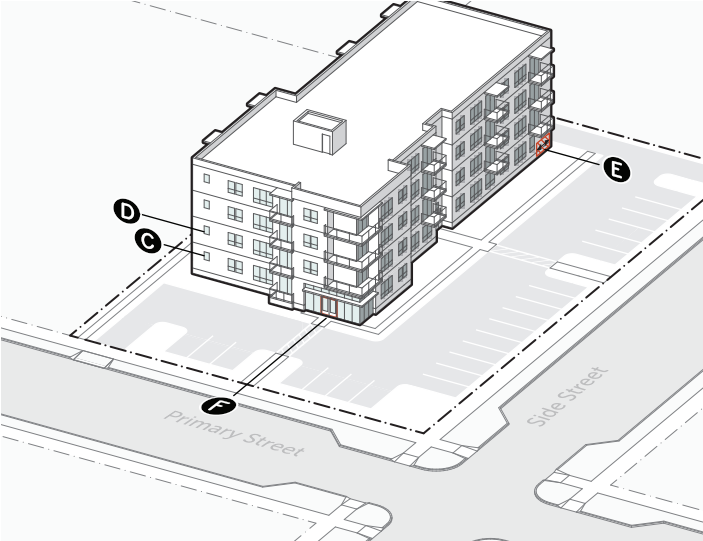
4. Building Setbacks	Sec. 2.6.5
D Primary street (min)	Existing range or 20'
E Side street (min)	10'
F Side (min)	9'
G Rear (min)	9'
Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

RM-S

B. Building Standards



1. Massing	Sec. 2.6.8
A Building height (max)	4 stories/60'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
B Ground story height (min)	10'
Finished floor elevation (min/max)	-2'/4'

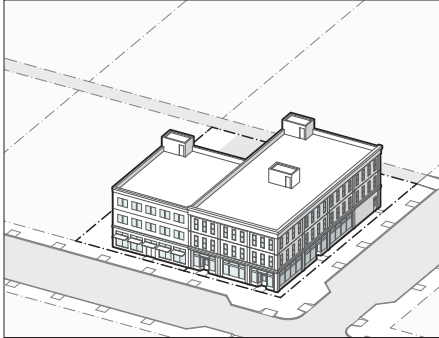


	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
C Ground story (min)	20%	10%
D Upper story (min)	10%	10%
E Blank wall width (max)	20'	40'
5. Doors	Sec. 2.6.12	
F Street-facing entrance	Required	n/a

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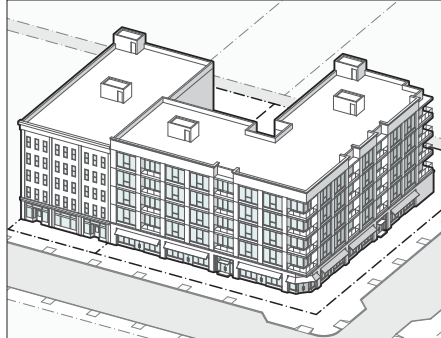
SEC. 2.3. MIXED USE DISTRICTS

2.3.1. Summary of Districts



A. Mixed Use 3 (MX-3)

Allows up to a 3-story residential, commercial or mixed use building.



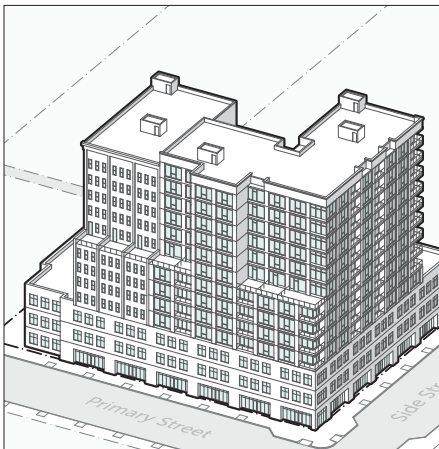
B. Mixed Use 5 (MX-5)

Allows up to a 5-story residential, commercial or mixed use building.



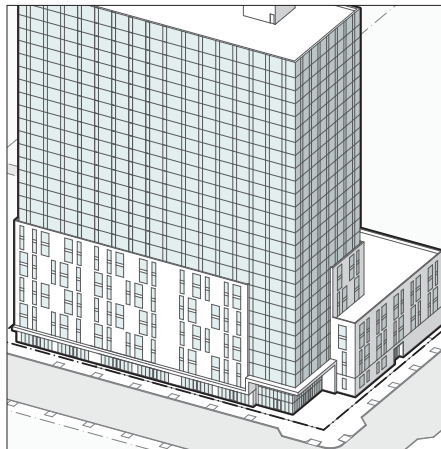
C. Mixed Use 7 (MX-7)

Allows up to a 7-story residential, commercial or mixed use building.



D. Mixed Use 13 (MX-13)

Allows up to a 13-story residential, commercial or mixed use building.

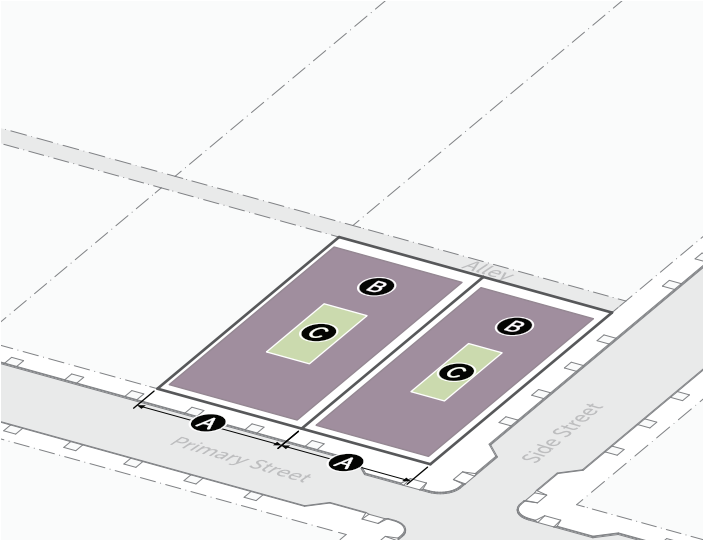


E. Mixed Use Unlimited (MX-U)

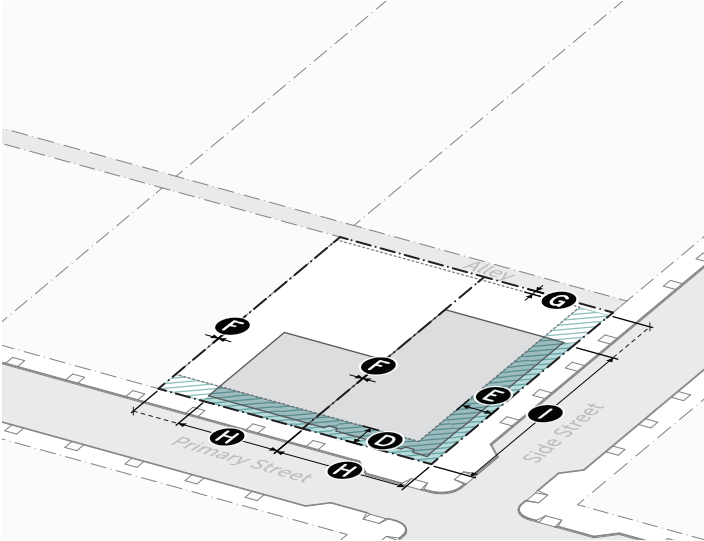
Allows a residential, commercial or mixed use building, up to an unlimited height.

2.3.2. **MX-3** MIXED USE 3

A. Lot Standards



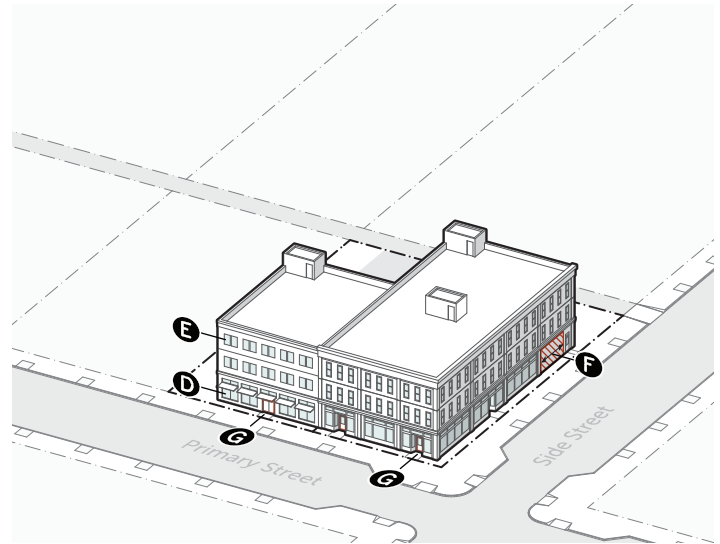
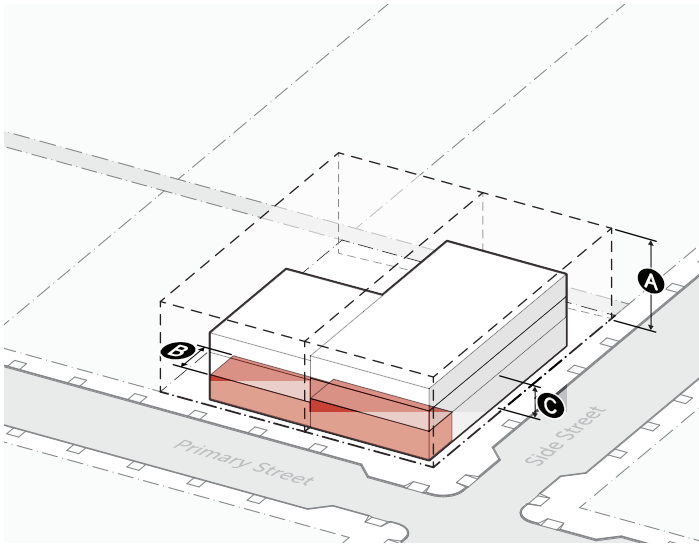
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	80%
Vegetation space (min)	5%
C Amenity space (min)	5%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	0'/15'
E Side street (min/max)	0'/15'
F Side (min)	0'
Rear (min)	0'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	70%
I Side street (min)	30%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

MX-3

B. Building Standards

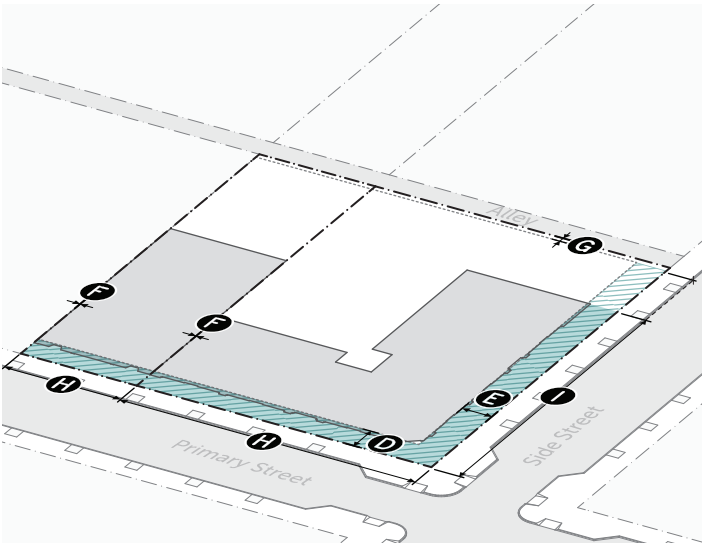
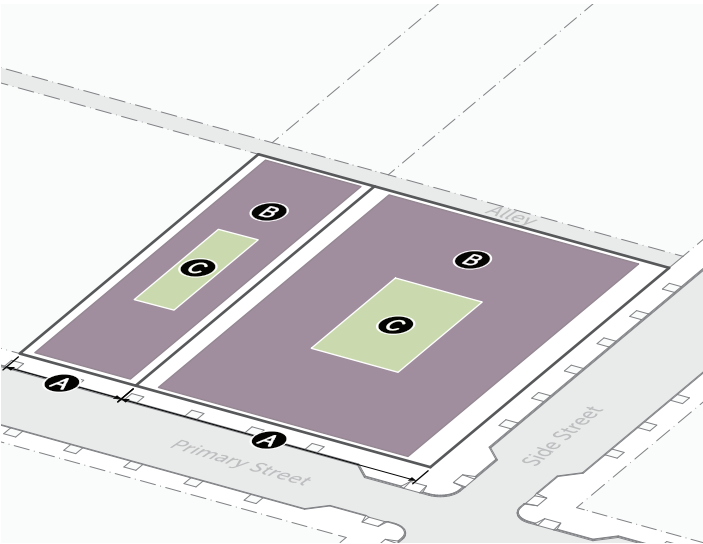


1. Massing	Sec. 2.6.8
Ⓐ Building height (max)	3 stories/45'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Ⓑ Primary street (min)	
Residential	9'
Nonresidential	20'
3. Ground Story	Sec. 2.6.10
Ⓒ Ground story height (min)	
Residential	10'
Nonresidential	12'
Finished floor elevation (min/max)	-2'/4'

	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ⓓ Ground story (min)		
Residential	20%	20%
Nonresidential	50%	30%
Ⓔ Upper story (min)	15%	15%
Ⓕ Blank wall width (max)	15'	30'
5. Doors	Sec. 2.6.12	
Ⓖ Street-facing entrance	Required	n/a

2.3.3. **MX-5** MIXED USE 5

A. Lot Standards

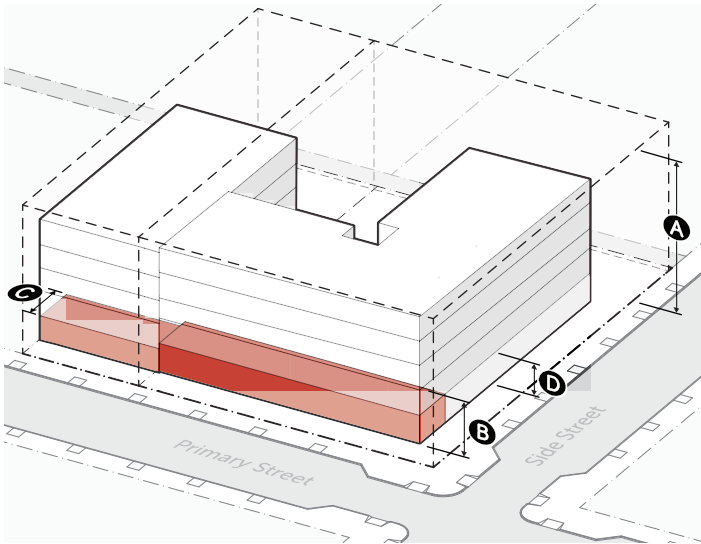


1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	80%
Vegetation space (min)	5%
C Amenity space (min)	10%

4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	0'/15'
E Side street (min/max)	0'/15'
F Side (min)	0'
Rear (min)	0'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	80%
I Side street (min)	40%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

MX-5

B. Building Standards

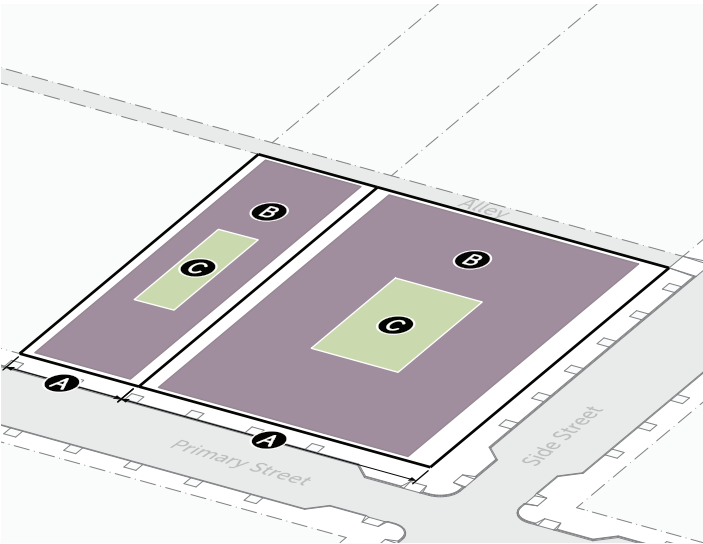


1. Massing	Sec. 2.6.8
A Building height (max)	5 stories/75'
B Building height (min)	20'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
C Primary street (min)	
Residential	9'
Nonresidential	20'
3. Ground Story	Sec. 2.6.10
D Ground story height (min)	
Residential	10'
Nonresidential	12'
Finished floor elevation (min/max)	-2'/4'

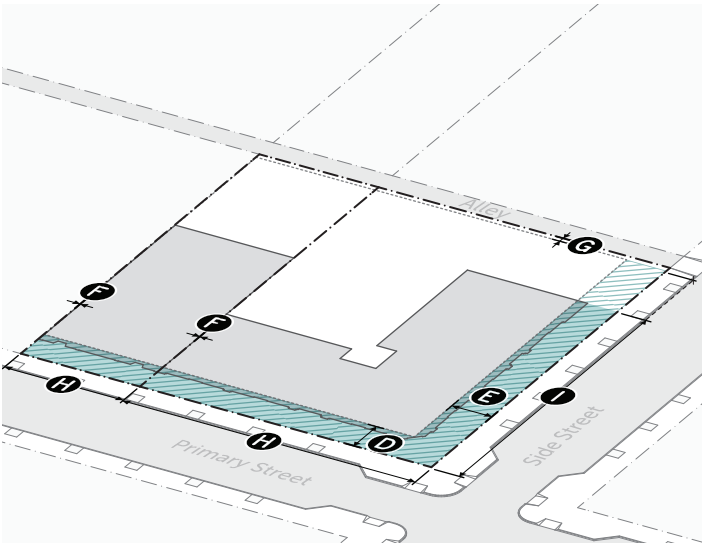
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
E Ground story (min)		
Residential	20%	20%
Nonresidential	50%	30%
F Upper story (min)	15%	15%
G Blank wall width (max)	15'	30'
5. Doors	Sec. 2.6.12	
H Street-facing entrance	Required	Required

2.3.4. **MX-7** MIXED USE 7

A. Lot Standards



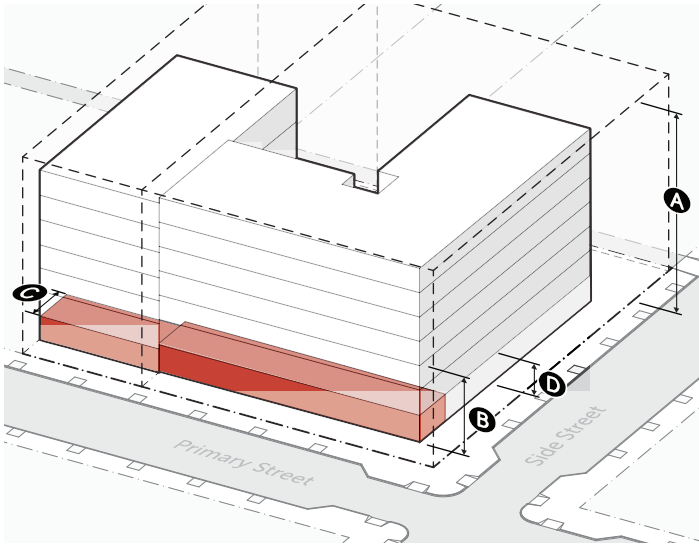
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	80%
Vegetation space (min)	5%
C Amenity space (min)	10%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	0'/20'
E Side street (min/max)	0'/20'
F Side (min)	0'
Rear (min)	0'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	80%
I Side street (min)	40%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

MX-7

B. Building Standards

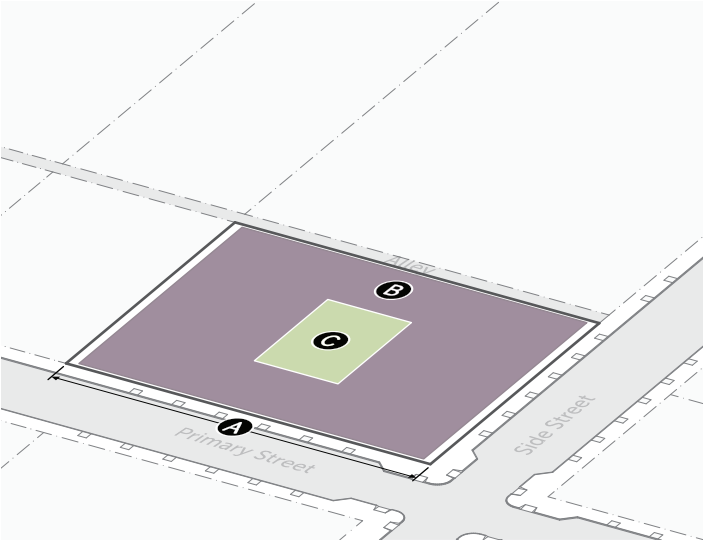


1. Massing	Sec. 2.6.8
A Building height (max)	7 stories/105'
B Building height (min)	30'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
C Primary street (min)	
Residential	9'
Nonresidential	20'
3. Ground Story	Sec. 2.6.10
D Ground story height (min)	
Residential	10'
Nonresidential	12'
Finished floor elevation (min/max)	-2'/4'

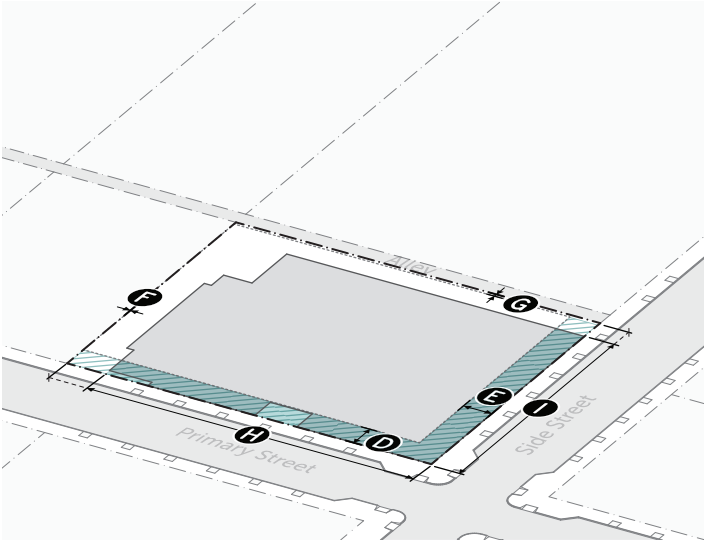
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
E Ground story (min)		
Residential	20%	20%
Nonresidential	50%	30%
F Upper story (min)	15%	15%
G Blank wall width (max)	15'	30'
5. Doors	Sec. 2.6.12	
H Street-facing entrance	Required	Required

2.3.5. **MX-13** MIXED USE 13

A. Lot Standards



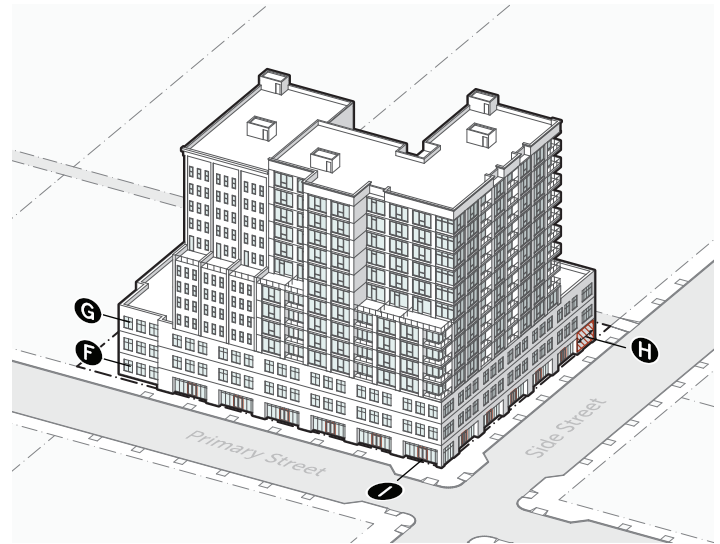
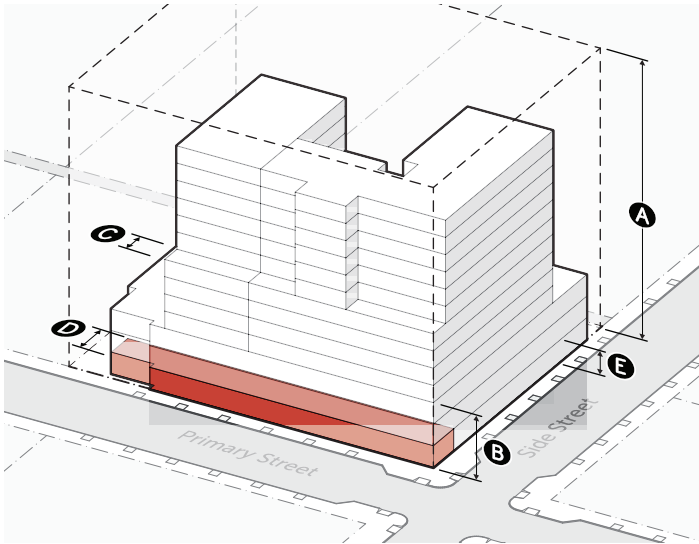
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	90%
Vegetation space (min)	5%
C Amenity space (min)	10%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	0'/20'
E Side street (min/max)	0'/20'
F Side (min)	0'
Rear (min)	0'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	80%
I Side street (min)	40%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

MX-13

B. Building Standards

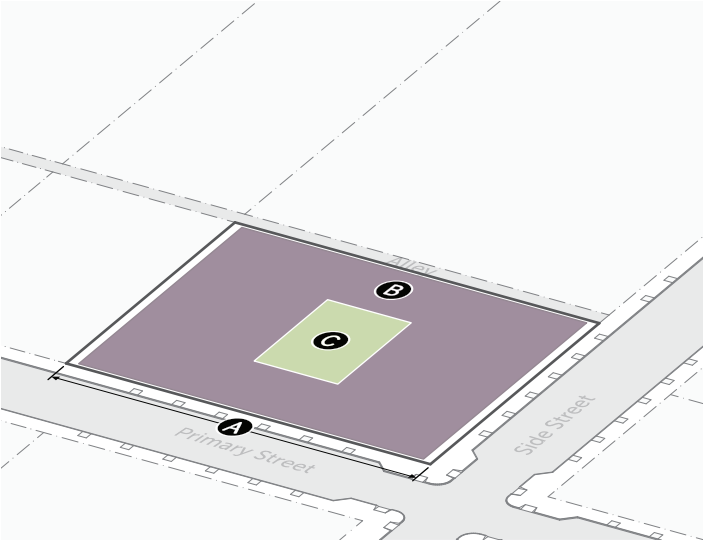


1. Massing	Sec. 2.6.8
A Building height (max)	13 stories/195'
B Building height (min)	30'
Attached units in a row (max)	n/a
C Street step back at 7 stories (min)	15'
2. Active Depth	Sec. 2.6.9
D Primary street (min)	
Residential	9'
Nonresidential	20'
3. Ground Story	Sec. 2.6.10
E Ground story height (min)	
Residential	10'
Nonresidential	12'
Finished floor elevation (min/max)	-2'/4'

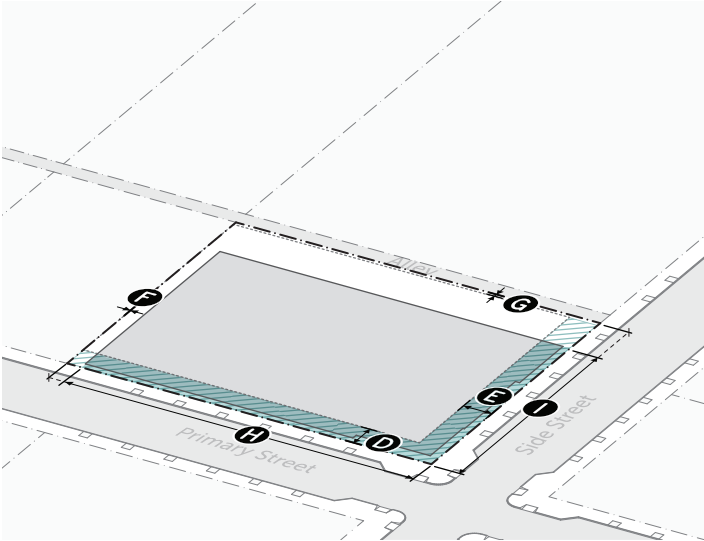
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
F Ground story (min)		
Residential	20%	20%
Nonresidential	50%	30%
G Upper story (min)	15%	15%
H Blank wall width (max)	10'	20'
5. Doors	Sec. 2.6.12	
I Street-facing entrance	Required	Required

2.3.6. **MX-U** MIXED USE U

A. Lot Standards



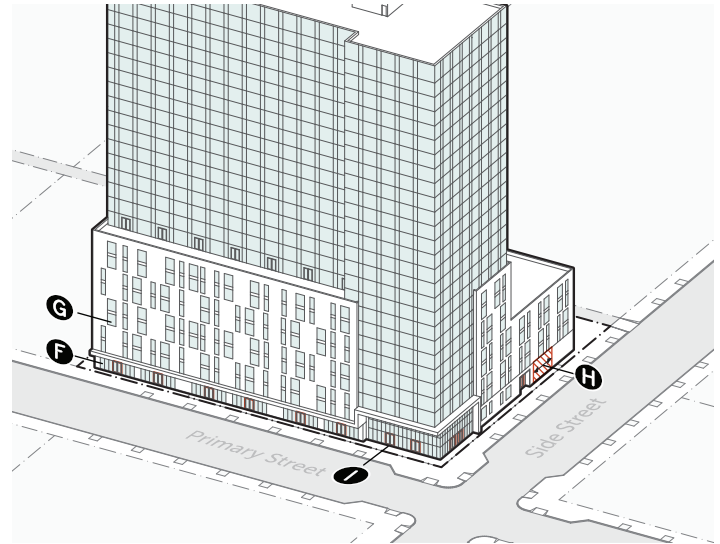
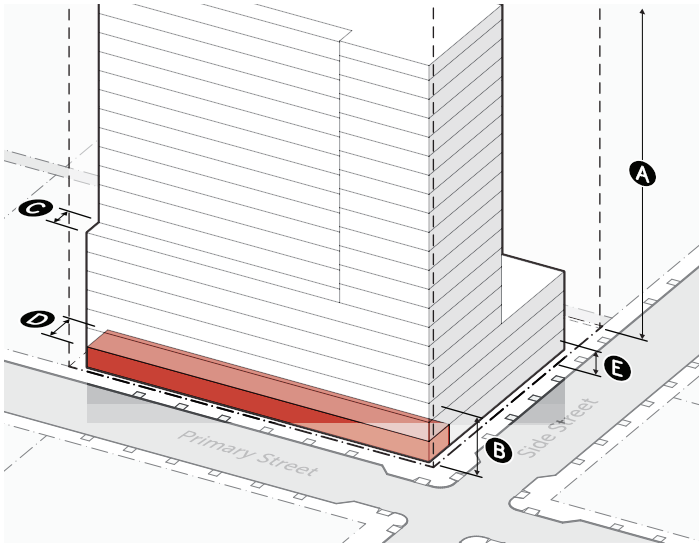
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	90%
Vegetation space (min)	5%
C Amenity space (min)	10%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	0'/20'
E Side street (min/max)	0'/20'
F Side (min)	0'
Rear (min)	0'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	80%
I Side street (min)	50%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

MX-U

B. Building Standards



1. Massing	Sec. 2.6.8
A Building height (max)	Unlimited
B Building height (min)	30'
Attached units in a row (max)	n/a
C Street step back at 7 stories (min)	15'
2. Active Depth	Sec. 2.6.9
D Primary street (min)	25'
3. Ground Story	Sec. 2.6.10
E Ground story height (min)	
Residential	10'
Nonresidential	12'
Finished floor elevation (min/max)	-2'/4'

	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
F Ground story (min)		
Residential	20%	20%
Nonresidential	50%	50%
G Upper story (min)	15%	15%
H Blank wall width (max)	10'	20'
5. Doors	Sec. 2.6.12	
I Street-facing entrance	Required	Required

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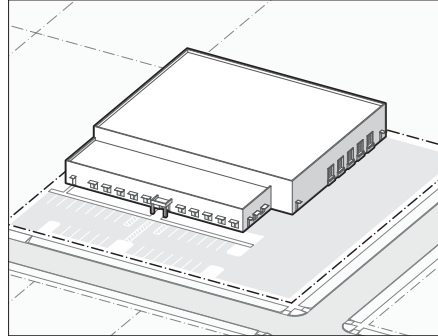
SEC. 2.4. INDUSTRIAL DISTRICTS

2.4.1. Summary of Districts



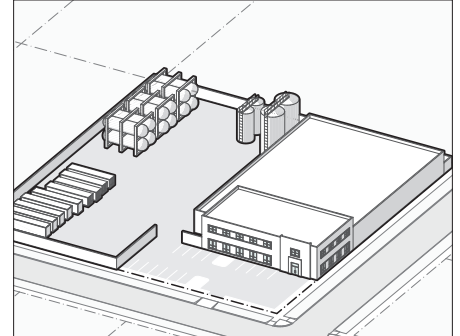
A. Industrial Mixed Use (IX)

Allows up to a 7-story residential, commercial, light industrial or mixed use building.



B. Industrial Light (IL)

Allows a range of low-impact industrial activity. The majority of activity is conducted indoors with limited accessory outdoor storage.

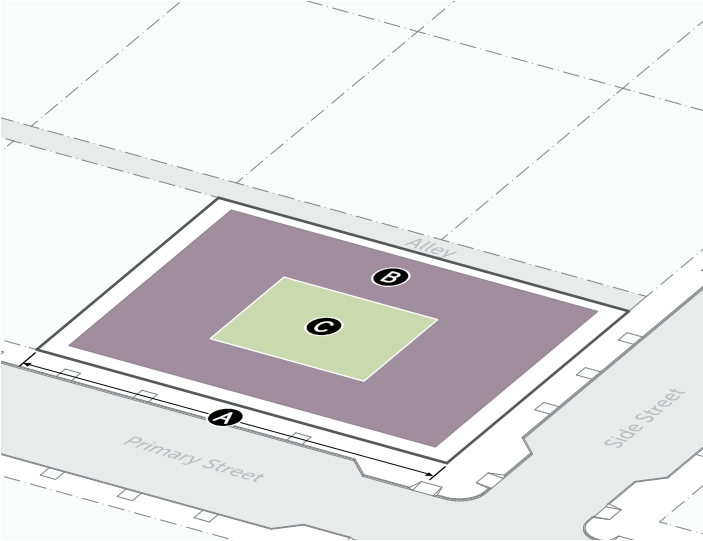


C. Industrial Heavy (IH)

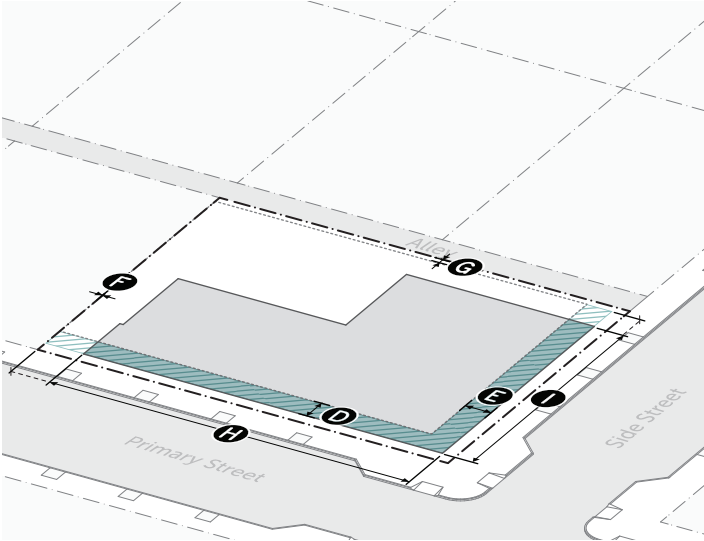
Allows a range of larger footprint, high-impact industrial activity with more outdoor storage.

2.4.2. IX INDUSTRIAL MIXED USE

A. Lot Standards

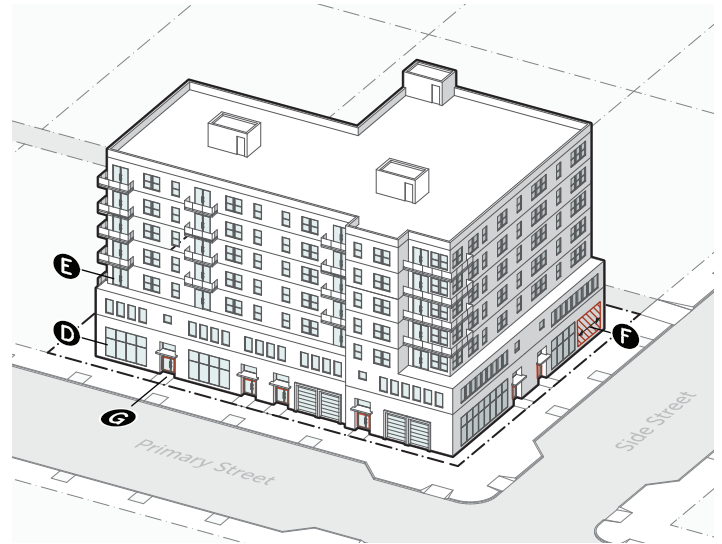
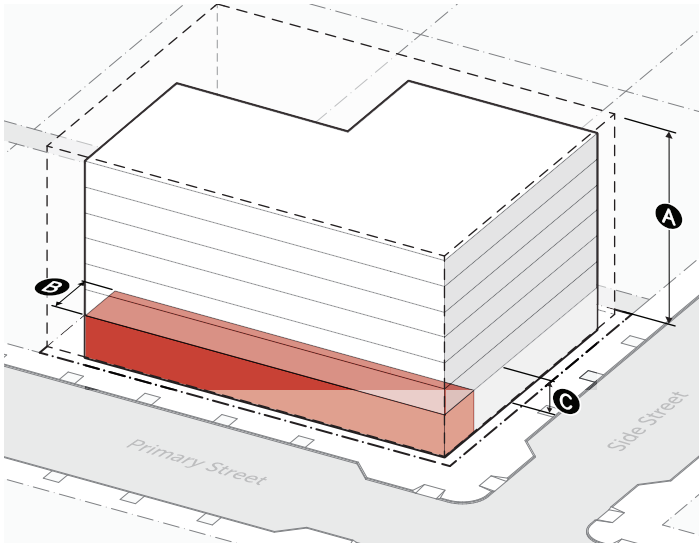


1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	80%
Vegetation space (min)	5%
C Amenity space (min)	10%



4. Building Setbacks	Sec. 2.6.5
D Primary street (min/max)	0'/20'
E Side street (min/max)	0'/20'
F Side (min)	0'
Rear (min)	0'
G Alley (min)	3'
5. Build-to	Sec. 2.6.6
H Primary street (min)	80%
I Side street (min)	40%
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Not allowed
Side street	Allowed

B. Building Standards

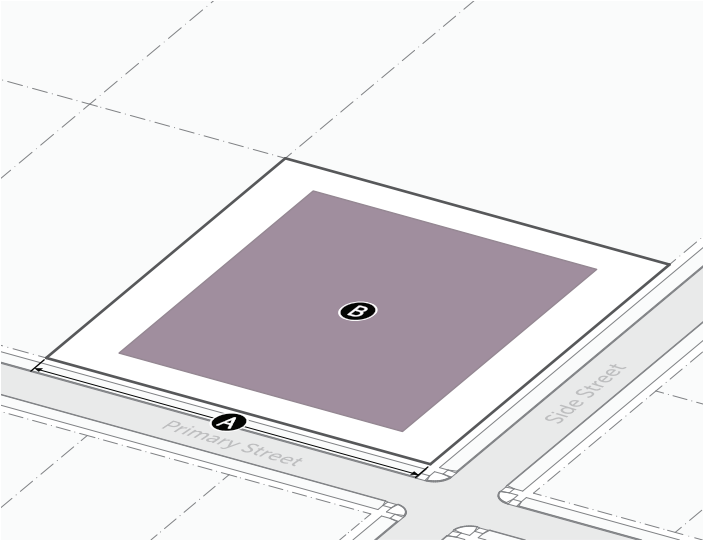


1. Massing	Sec. 2.6.8
A Building height (max)	7 stories/105'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
B Primary street (min)	
Residential	9'
Nonresidential	20'
3. Ground Story	Sec. 2.6.10
C Ground story height (min)	
Residential	10'
Nonresidential	12'
Finished floor elevation (min/max)	-2'/4'

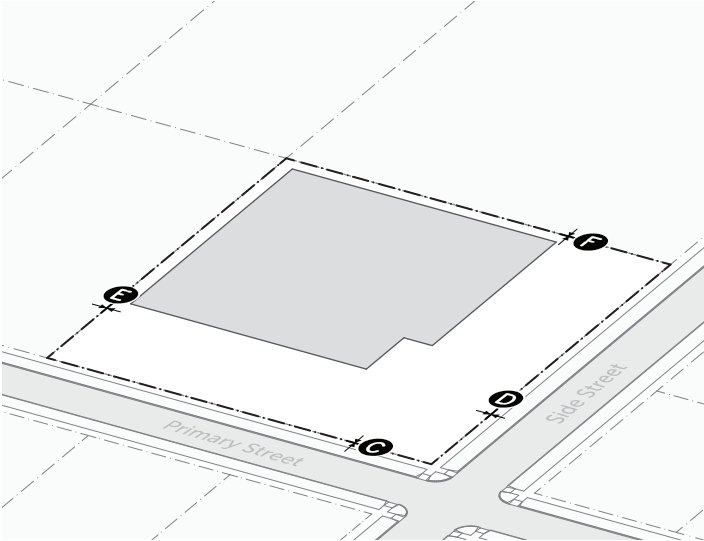
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
D Ground story (min)		
Residential	20%	20%
Nonresidential	50%	30%
E Upper story (min)	15%	15%
F Blank wall width (max)	20'	40'
5. Doors	Sec. 2.6.12	
G Street-facing entrance	Required	Required

2.4.3. IL INDUSTRIAL LIGHT

A. Lot Standards



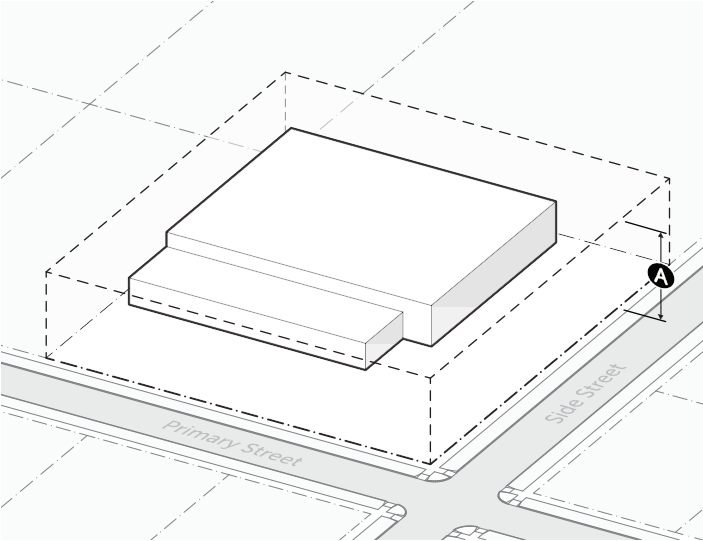
1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	70%
Vegetation space (min)	5%
Amenity space (min)	n/a



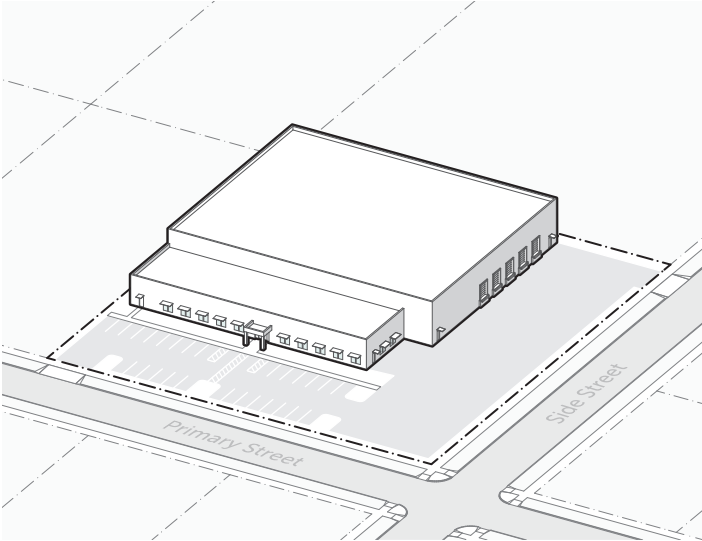
4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	0'
D Side street (min)	0'
E Side (min)	0'
F Rear (min)	0'
Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed



B. Building Standards



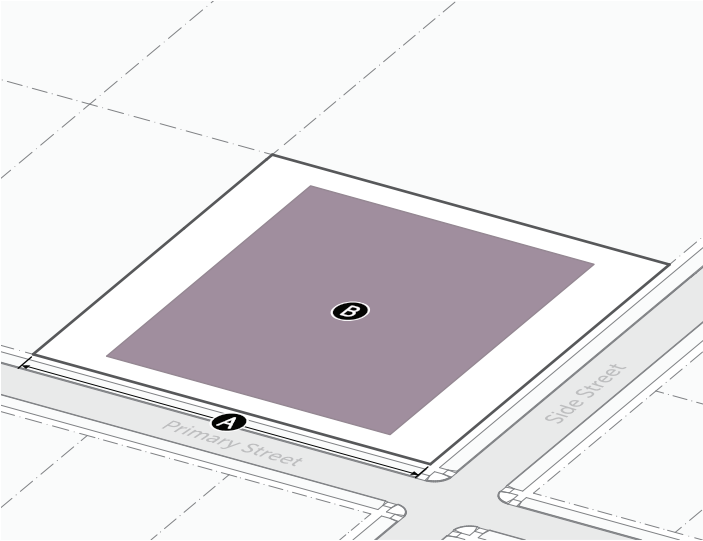
1. Massing	Sec. 2.6.8
A Building height (max)	60'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a



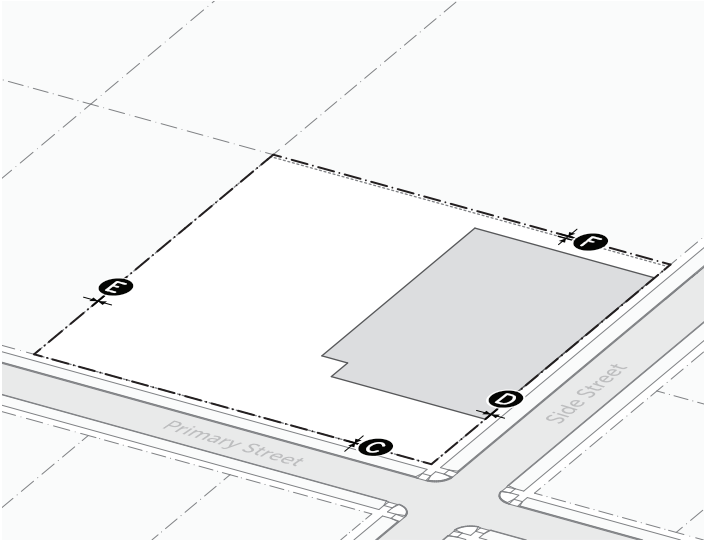
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

2.4.4. **IH** INDUSTRIAL HEAVY

A. Lot Standards

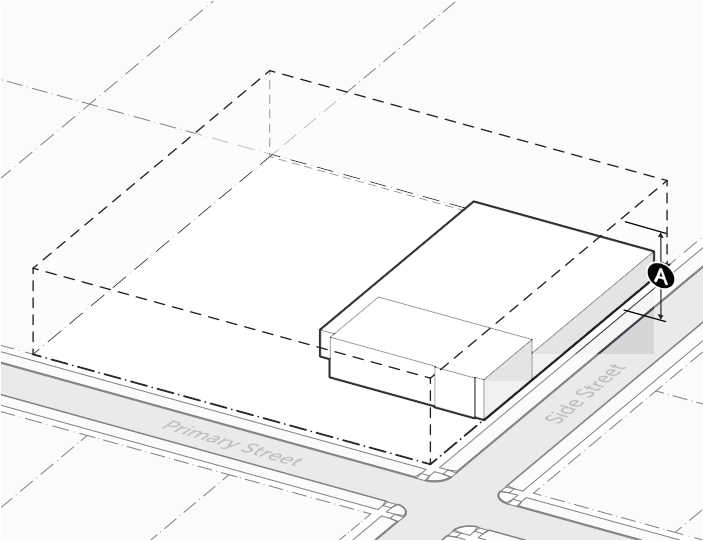


1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	60%
Vegetation space (min)	5%
Amenity space (min)	n/a

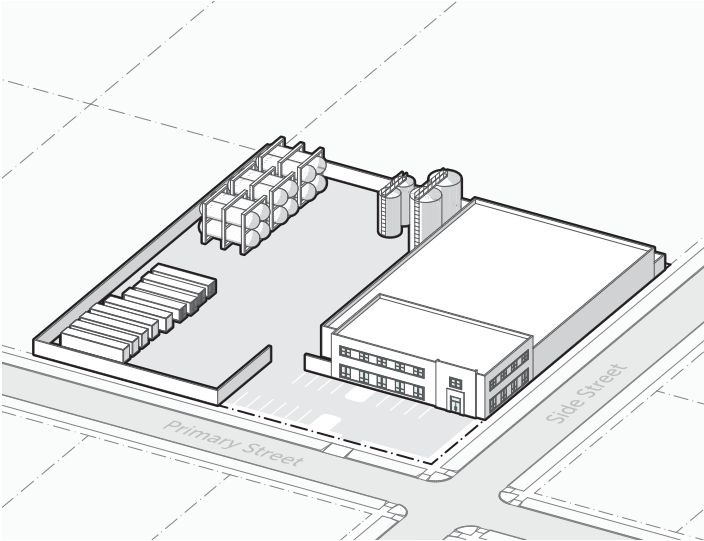


4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	0'
D Side street (min)	0'
E Side (min)	0'
F Rear (min)	0'
Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

B. Building Standards



1. Massing	Sec. 2.6.8
A Building height (max)	60'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a

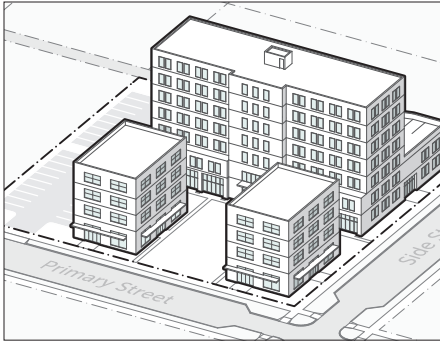


	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

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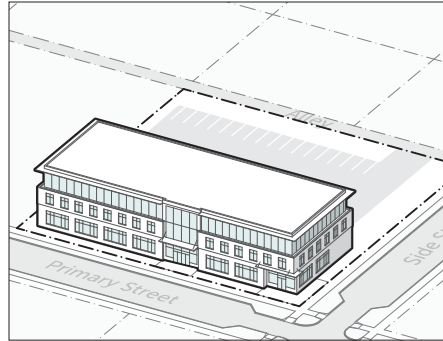
SEC. 2.5. **INSTITUTIONAL & OPEN SPACE DISTRICTS**

2.5.1. Summary of Districts



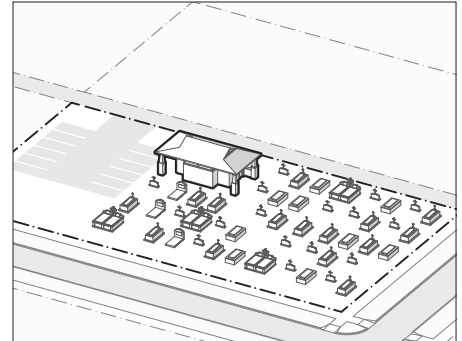
A. Campus (CMP)

Allows for a range of larger-scale civic, educational, medical, office, and residential uses, generally within multiple buildings centered around a series of interconnected open spaces.



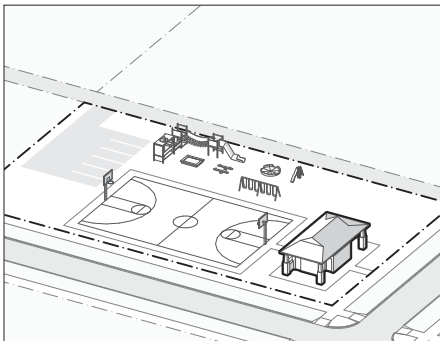
B. Institutional (INS)

Allows for a range of civic, educational, medical, office, and residential uses, generally within a single building facing a street.



C. Cemetery (CEM)

Open space used to bury remains and memorialize the deceased that could include chapels and mausoleums.

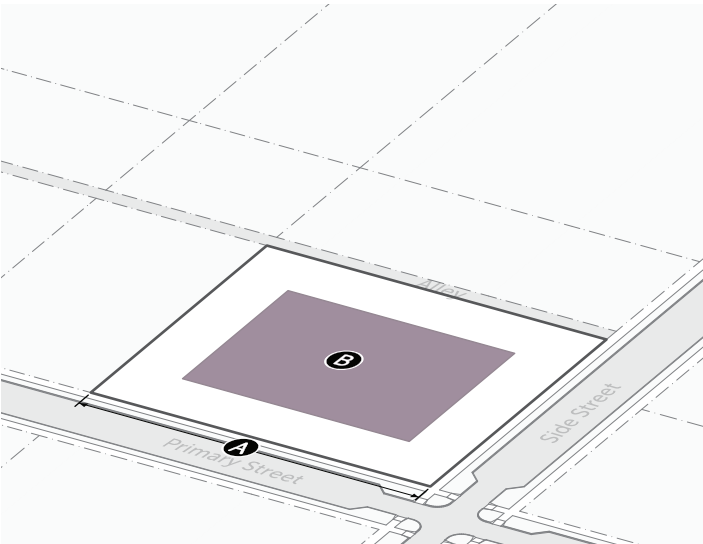


D. Open Space (OS)

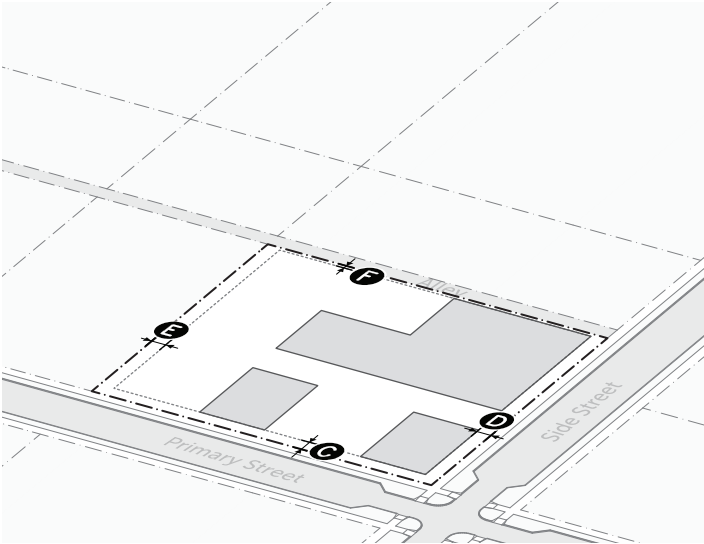
Publicly-owned open space that serves the passive and active recreational needs of the community. Includes parks, playgrounds, sports fields, dog parks, trails, and conservation areas.

2.5.2. **CMP** CAMPUS

A. Lot Standards

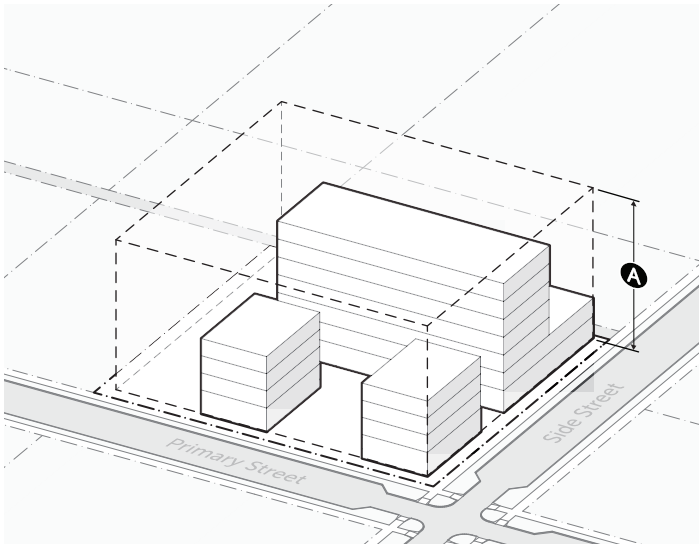


1. Lot Size	Sec. 2.6.2
A Lot width (min)	90'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	40%
Vegetation space (min)	20%
Amenity space (min)	n/a



4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	10'
D Side street (min)	10'
E Side (min)	10'
Rear (min)	10'
F Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

B. Building Standards

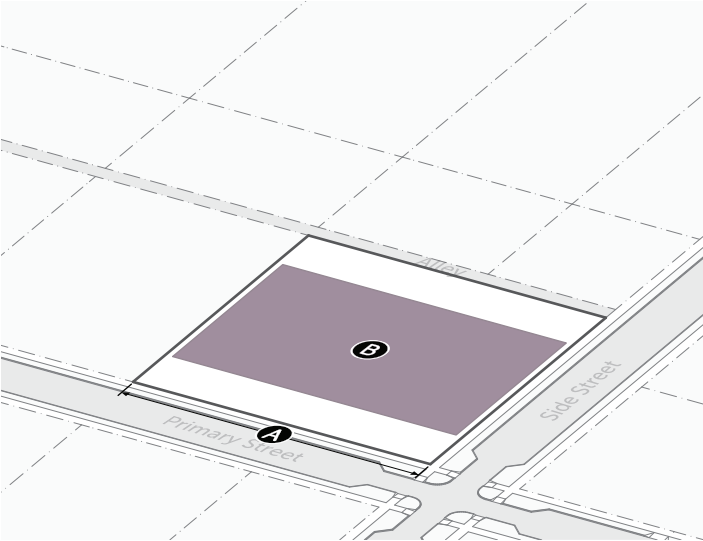


1. Massing	Sec. 2.6.8
Ⓐ Building height (max)	7 stories/105'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a

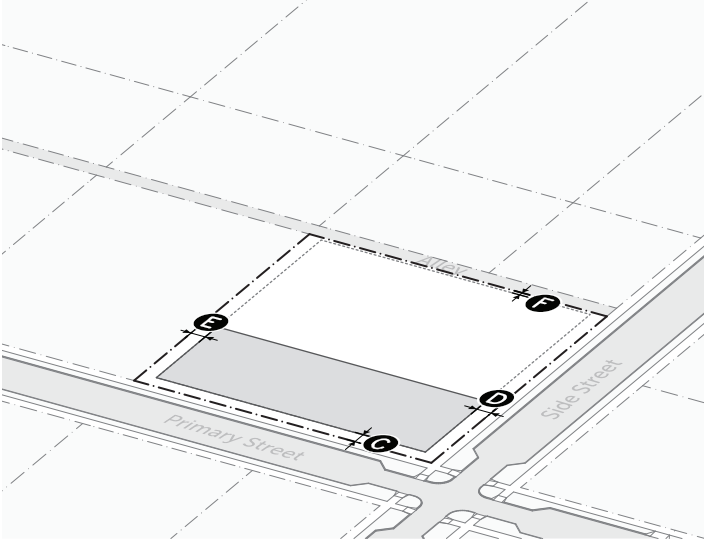
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

2.5.3. **INS** INSTITUTIONAL

A. Lot Standards

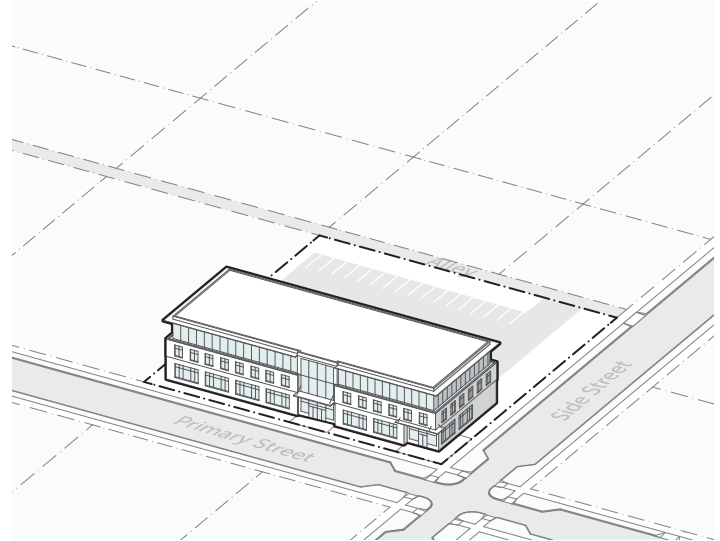
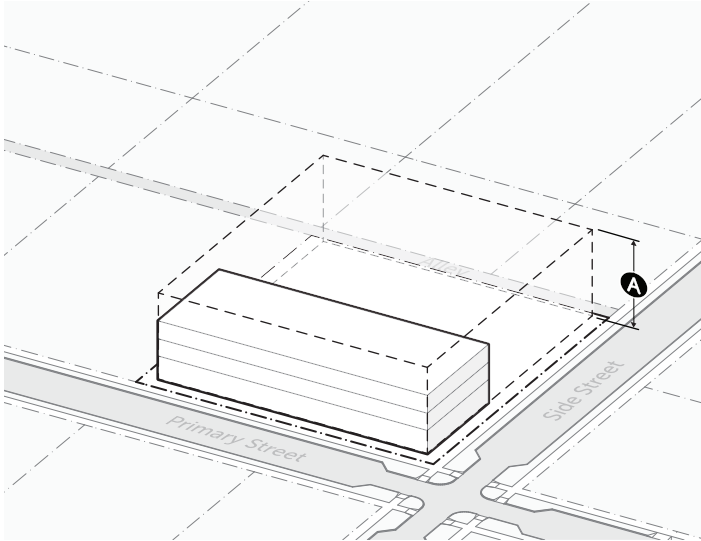


1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	70%
Vegetation space (min)	5%
Amenity space (min)	n/a



4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	10'
D Side street (min)	10'
E Side (min)	10'
Rear (min)	10'
F Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

B. Building Standards

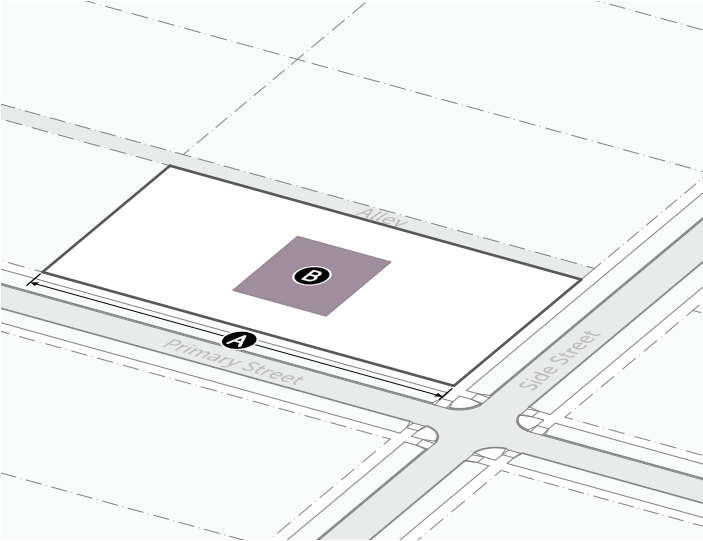


1. Massing	Sec. 2.6.8
Ⓐ Building height (max)	3 stories/45'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a

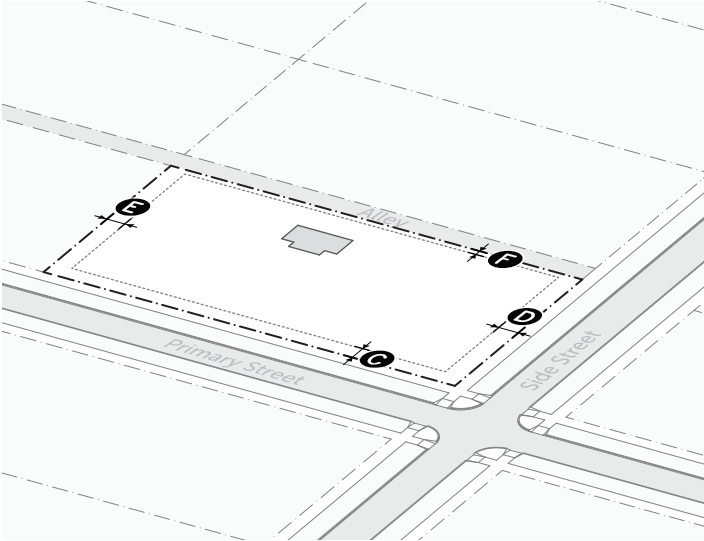
	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

2.5.4. **CEM** CEMETERY

A. Lot Standards

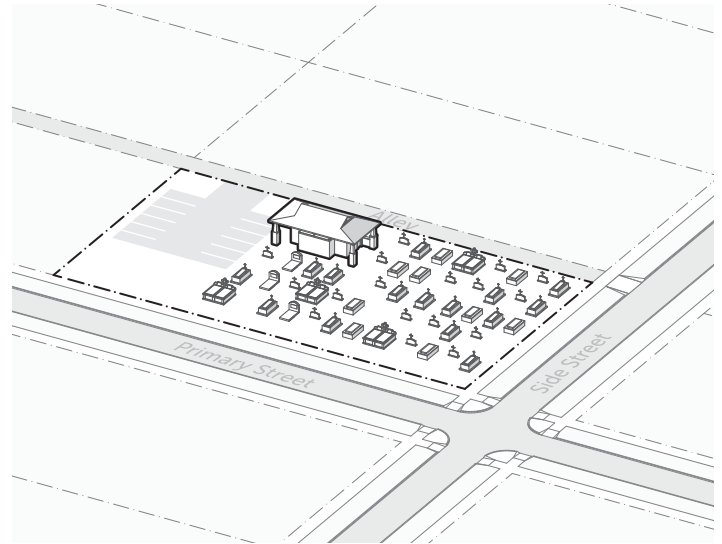
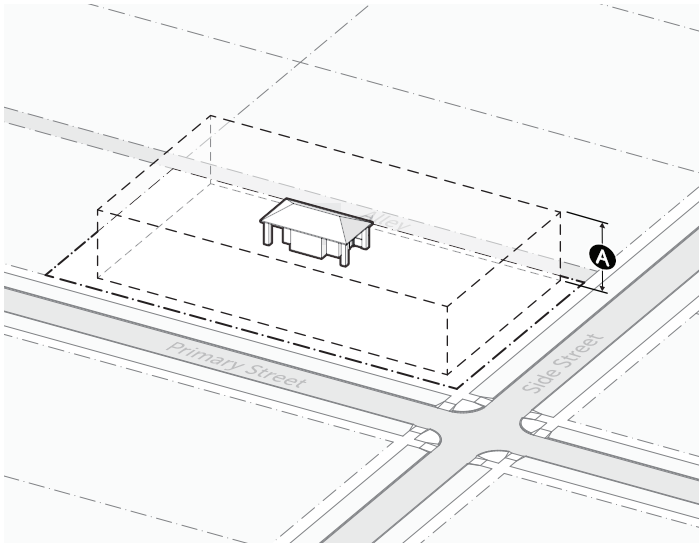


1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	10%
Vegetation space (min)	n/a
Amenity space (min)	n/a



4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	10'
D Side street (min)	10'
E Side (min)	10'
Rear (min)	10'
F Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

B. Building Standards

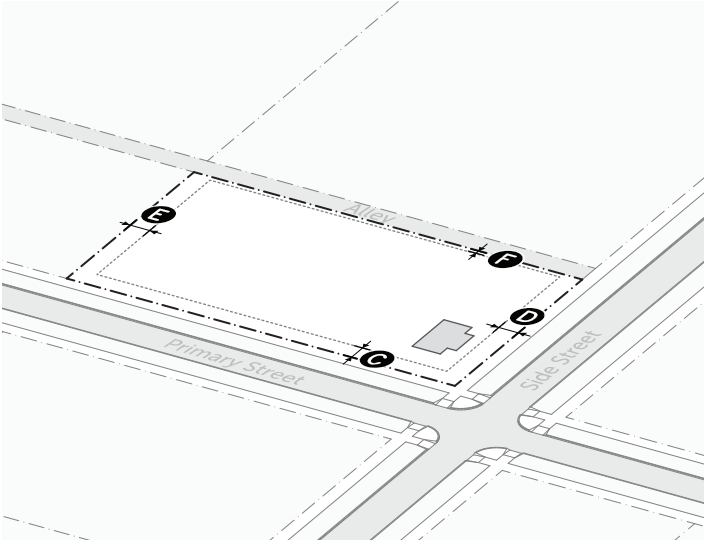
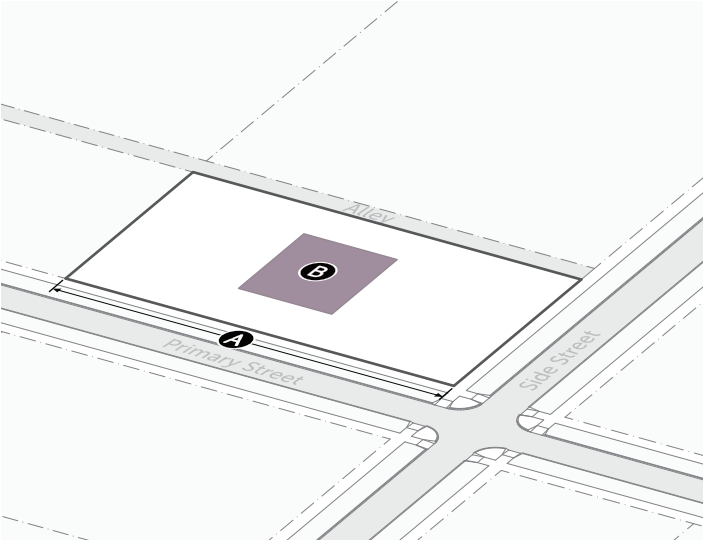


1. Massing	Sec. 2.6.8
Ⓐ Building height (max)	35'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a

	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

2.5.5. OS OPEN SPACE

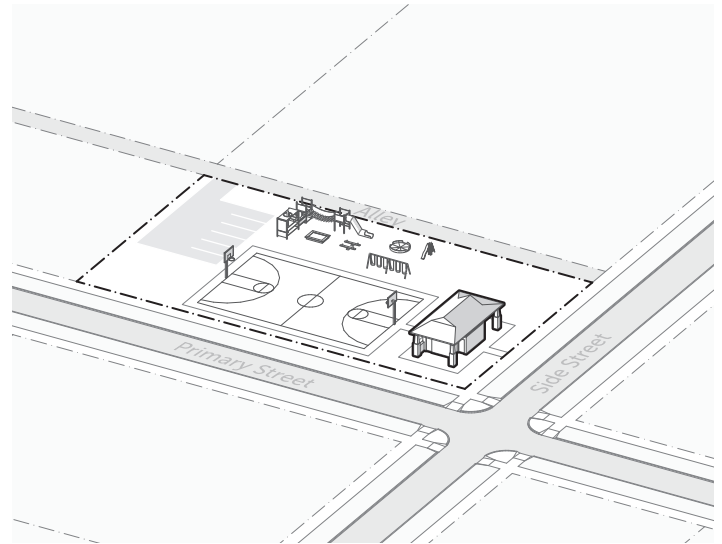
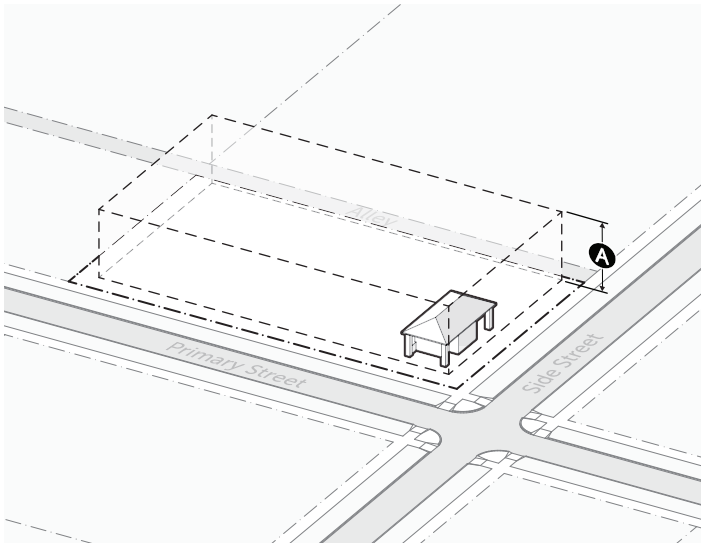
A. Lot Standards



1. Lot Size	Sec. 2.6.2
A Lot width (min)	0'
2. Dwelling Units	Sec. 2.6.3
Dwelling units per lot (max)	n/a
Dwelling units per building (max)	n/a
3. Coverage	Sec. 2.6.4
B Building coverage (max)	10%
Vegetation space (min)	n/a
Amenity space (min)	n/a

4. Building Setbacks	Sec. 2.6.5
C Primary street (min)	10'
D Side street (min)	10'
E Side (min)	10'
Rear (min)	10'
F Alley (min)	3'
5. Build-to	Sec. 2.6.6
Primary street (min)	n/a
Side street (min)	n/a
6. Parking Location	Sec. 2.6.7
Parking between building and:	
Primary street	Allowed
Side street	Allowed

B. Building Standards



1. Massing	Sec. 2.6.8
Ⓐ Building height (max)	35'
Attached units in a row (max)	n/a
2. Active Depth	Sec. 2.6.9
Primary street (min)	n/a
3. Ground Story	Sec. 2.6.10
Ground story height (min)	n/a
Finished floor elevation (min/max)	n/a

	Primary St.	Side St.
4. Windows	Sec. 2.6.11	
Ground story (min)	n/a	n/a
Upper story (min)	n/a	n/a
Blank wall width (max)	n/a	n/a
5. Doors	Sec. 2.6.12	
Street-facing entrance	n/a	n/a

SEC. 2.6. RULES OF INTERPRETATION

2.6.1. General Terms and Designations

A. Intent

To provide a set of general terms and designations, including definitions and standards, for terminology primarily used in this Article. Definitions and standards for terms used more broadly throughout the Zoning Code are found in *Article 7. Definitions*.

B. Street Designation

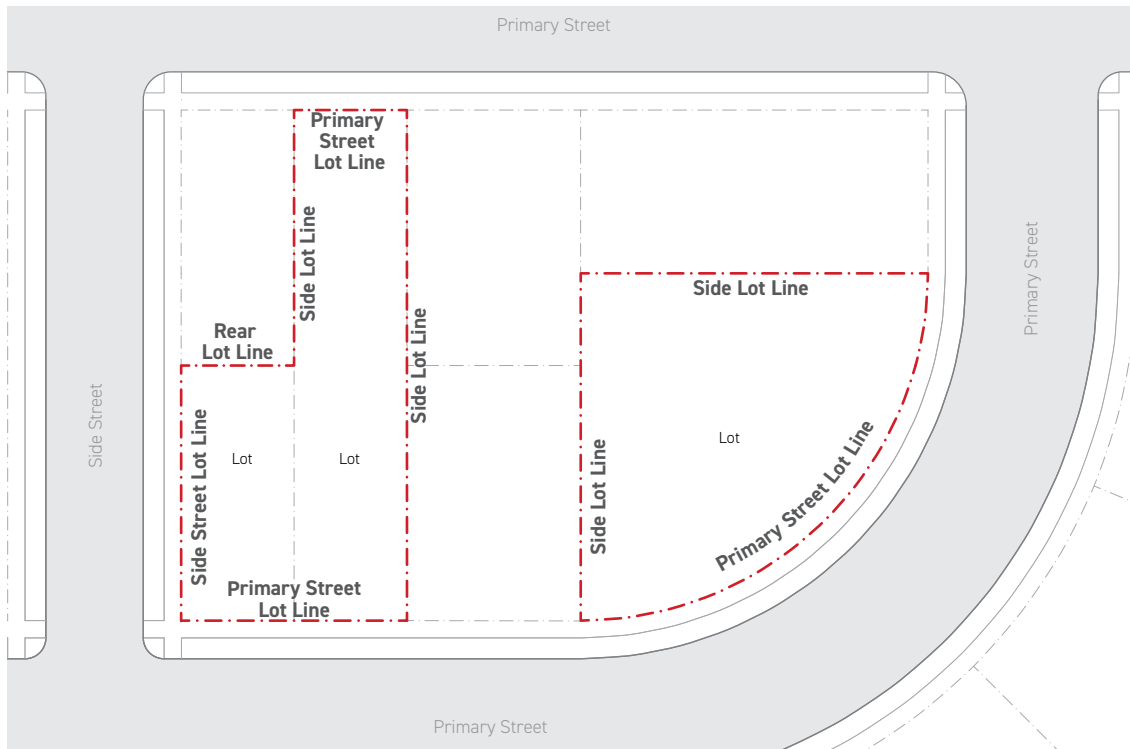
1. Primary and Side Street Designations

- a. All streets abutting a lot must be designated as either a primary street or side street.
- b. When a lot abuts only one street, the street is considered a primary street.
- c. For lots that abut multiple streets, the Zoning Administrator must determine one primary street and may determine a second primary street in MX-7, MX-13, MX-U, and IX using the following criteria listed from most important to less important:
 - I. The established orientation of the block face.
 - II. The street parallel to an alley within the block.
 - III. The street is a major mixed-use street or major residential street per the City's Master Plan.
 - IV. The street with the highest classification per the most current version of VDOT's Functional Classification Map.
- d. A lot line abutting a park, open space, river, trail, or pedestrian path may serve as a primary street lot line.
- e. Any street not designated as a primary street is a side street.

C. Lot Line Designation

1. General

- a. Lot lines are designated for lots only, lot lines are not designated for sublots.
- b. Each lot line must have one of the following designations:
 - I. Primary street lot line;
 - II. Side street lot line;
 - III. Alley lot line;
 - IV. Rear lot line; or
 - V. Side lot line.



- c. Primary street lot line and side street lot line designations apply to public and private streets. Alley lot line designation applies to public and private alleys.
- d. In addition to any other designation, lot lines may also serve as one of the following categories:
 - I. Street lot line; or
 - II. Common lot line.

2. Primary Street Lot Line

Any lot line that abuts a primary street.

- a. A lot must have at least one primary street lot line. In MX-7, MX-13, MX-U, and IX, a lot may have 2 primary street lot lines - see [2.6.1.B.2](#).
- b. Once designated for a lot, a primary street lot line cannot be changed (e.g., a primary street lot line cannot, for the purposes of subsequent development, be re-designated as a side street lot line) unless all standards of the applicable zoning district are met based on the proposed change in street lot line designation.

3. Side Street Lot Line

Any lot line that abuts a side street. Any street lot line that is not a primary street lot line is considered a side street lot line.

4. Alley Lot Line

Any lot line that abuts an alley. Even when a lot line qualifies as a rear lot line or side lot line, all lot lines that abut an alley are considered an alley lot line.

5. Rear Lot Line

Any lot line that does not abut a street or alley and is opposite and most distant from a primary street lot line.

- a. A lot may have no more than one rear lot line.
- b. In the case of a lot that fronts two streets on opposite sides, a lot may have no rear lot line.
- c. Where no lot line is clearly opposite to the primary street lot line or where there are multiple primary street lot lines, the lot line having the highest portion of its length serving as the rear lot line of abutting lots is the rear lot line.

6. Side Lot Line

Any lot line other than a primary street, side street, rear, or alley lot line.

a. Side Lot Line, Attached

A side lot line that has a party wall or abutting walls.

b. Side Lot Line, Detached

A side lot line that does not have a party wall or abutting walls.

7. Street Lot Line

Any lot line that abuts a street. Street lot lines include all primary street lot lines and side street lot lines.

8. Common Lot Line

Any lot line shared by 2 or more lots. All side and rear lot lines that do not abut a street or alley are common lot lines.

9. Through Lots

For through lots, the Zoning Administrator may determine one or more primary street lot lines, and may designate the remaining lot line as either a side or rear lot line. The Zoning Administrator will consider the following when making their decision:

- a. The proposed number and arrangement of units on the lot to determine if is practical to have two primary street lot lines;
- b. The prevailing pattern of development on the surrounding parcels to determine which street should be designated as a primary street lot line and which street should be designated as a side or rear lot line; and
- c. The criteria in **2.B.1.C.1.**

D. Yard Designation

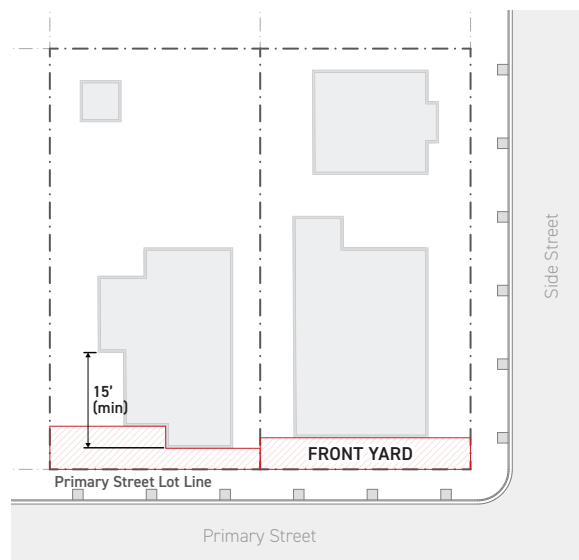
1. General

- a. Yards are designated on lots only, yards are not designated on sublots.
- b. All portions of a lot between the facade of a building and a property line will fall within one of the following yard designations: front yard, side street yard, side yard, or rear yard.
- c. No portion of a lot may have more than one yard designation.
- d. Yard designations are determined in the following order: (1) front yard, (2) side street yard, if any; (3) rear yard, if any; and (4) side yards, if any.

2. Front Yard

All portions of a lot between a primary street lot line and a primary structure facing a primary street lot line extending the full width of the lot.

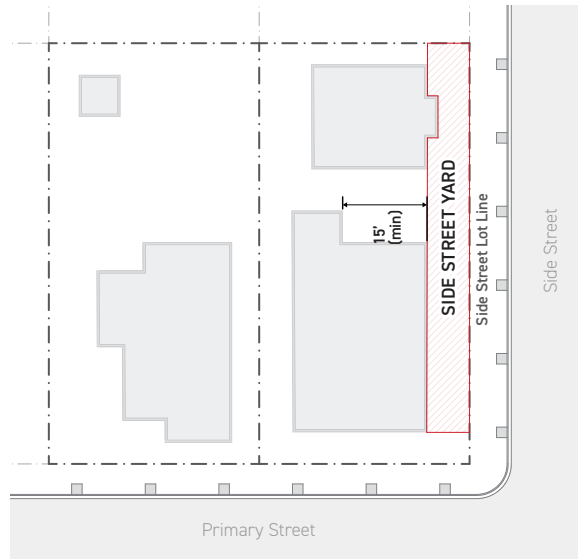
- a. A front yard does not include a building facade set back more than 15 feet from the primary building's street-facing facade.
- b. Any portion of a lot that is designated as a front yard may not be designated as any other yard.



3. Side Street Yard

All portions of a lot between a side street lot line and a primary structure facing a side street lot line extending the full depth of the lot.

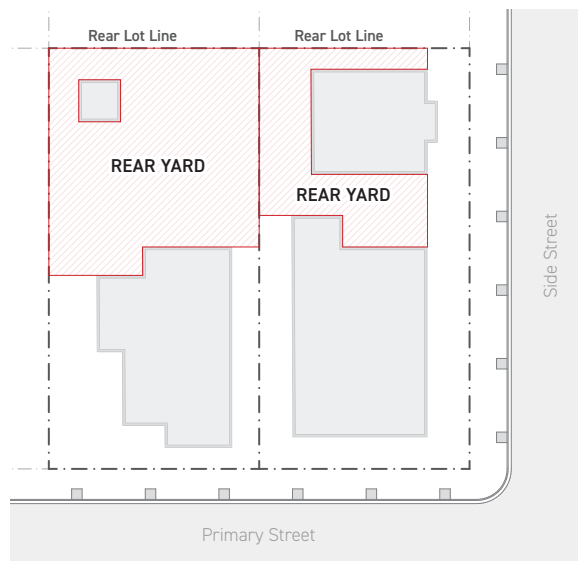
- a. A side street yard does not include any building facade set back more than 15 feet from the primary building's street-facing facade.
- b. For portions of the lot where no primary structure abuts the side street yard, the side street yard includes only portions of the lot included in the side street setback, see [2.6.5. Building Setbacks](#).
- c. A side street yard does not include any portion of a lot that may be designated as a front yard.



4. Rear Yard

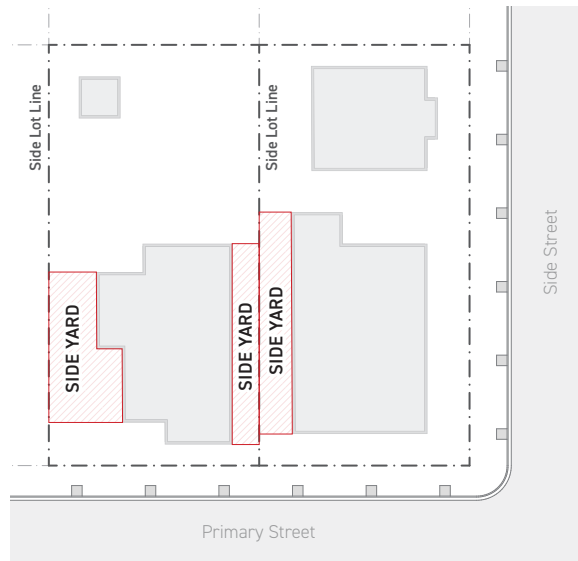
All portions of a lot between a rear lot line and a primary structure facing the rear lot line for the full width of the lot.

- A rear yard does not include any portion of a lot that may be designated as a front yard or side street yard.
- Any portion of a lot that is designated as a rear yard may not be designated as a side yard.



5. Side Yard

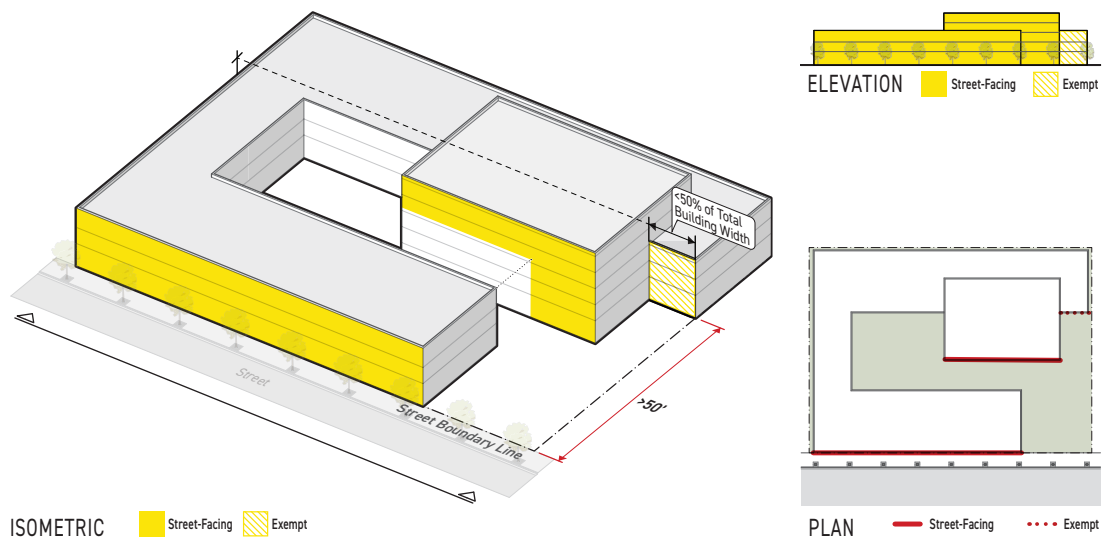
All portions of a lot between a side lot line and a primary structure. Portions of a lot that do not meet the yard designation criteria for any other yard are designated as side yard.



E. Street-Facing Building Facades

The portions of a building facade (when projected parallel to the street) with no permanent structure located between the building facade and the primary or side street lot line.

1. Building facades located more than 50 feet behind the primary or side street lot line are exempt from any street-facing requirements, provided the cumulative width of the exempted facade is no wider than 50% of the total building width.



2.6.2. Lots

More than one principal building may be located on a lot, provided that the district requirements are met.

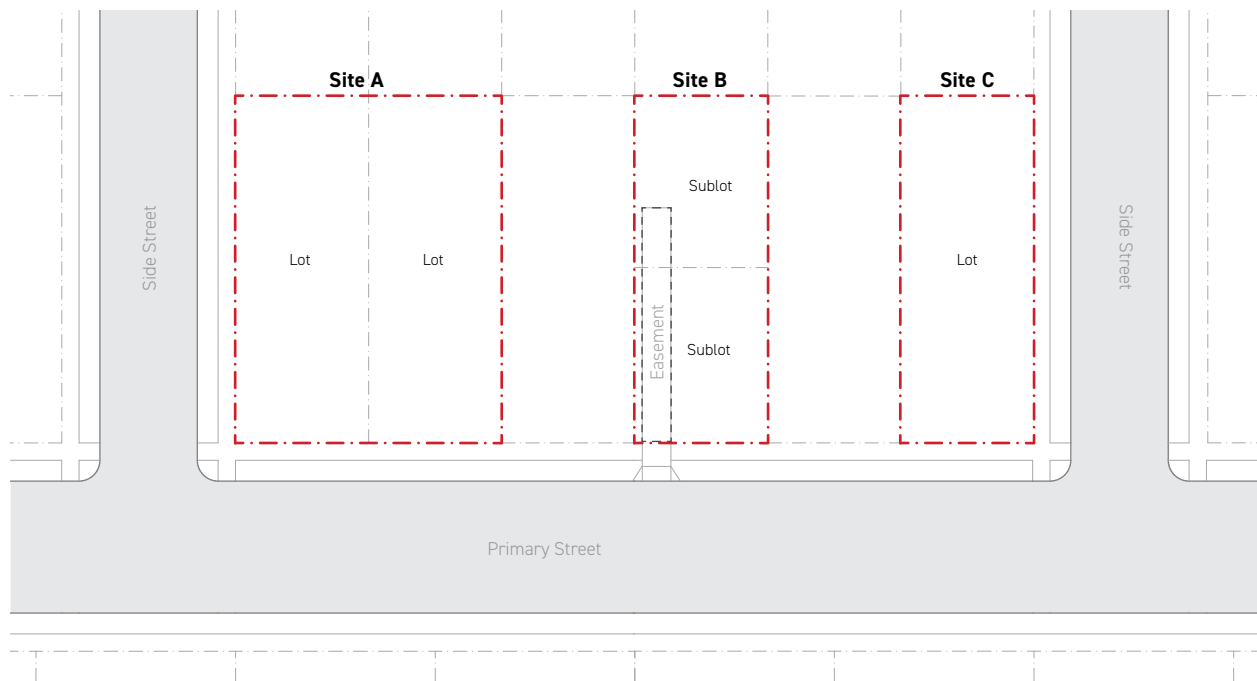
A. Lot Frontage

1. Every new building established must be located on a lot that fronts on a public street or a recorded permanent easement, agreement, or covenant that provides for permanent public access and continued maintenance, provided the permanent easement, agreement, or covenant is approved by the Planning Director, the Director of Public Works, and the Chief of Fire, and is approved as to form by the City Attorney. Any permanent easement, agreement, or covenant must be designed in a manner to facilitate coordination with existing or planned streets and existing or planned permanent easements, agreements, or covenants in existing or future abutting lots.
2. 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, 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.
3. An allowed accessory building, structure or use may be located on a lot or portion of a lot having frontage only on an improved public alley, provided that:
 - a. The lot is situated within the same entire block as the principal use.
 - b. No yards are required for the accessory structure.
 - c. There are no maximum building coverage requirement.
 - d. The accessory building or structure cannot exceed 15 feet in height.
 - e. The accessory building may not contain a dwelling unit or short-term rental.

B. Sublots

1. A subplot is a parcel of land, existing with other sublots on a single lot, intended for the purpose of the transfer of ownership or possession or for development.
2. The creation of sublots are allowed in an RC, RD-A, RD-B, RD-C, RA, and RM-A district for existing residential dwelling units only.
3. When a lot is divided into sublots, the originating lot and each subplot must be recorded with the Circuit Court Clerk's Office. Sublots must stay permanently tied to the originating lot.
4. A maximum of 1 subplot can be created from a single lot in an RD-A, RD-B, RD-C, or RA district. In a RC or RM-A district, the number of sublots created cannot exceed the maximum number of units allowed on the originating lot. Once established, a subplot cannot be further subdivided.
5. A subplot may front on a public alley, common court, or pedestrian walkway so long as a shared access easement is provided from the subplot to a public street or a recorded permanent easement.

6. A subplot must meet the building standard requirements of the zoning district. However, it does not individually have to meet the lot standard requirements, which apply only to the originating lot.
7. A subplot line must be a minimum of 3 feet from the footprint of the associated dwelling unit, except where dwelling units share a party wall.
8. No more than one dwelling unit is allowed on a subplot.



C. Lot Width

The length of primary street lot lines bounding a lot.

1. Intent

To help ensure newly established lots are generally consistent with historical development patterns in the neighborhood and within the same zoning district, and to promote the efficient use of public infrastructure.

2. Applicability

- a. The minimum width requirement applies to lots approved and recorded on or after the effective date of this Zoning Code.
- b. Any use allowed in the zoning district may be established on a lot approved and recorded before the effective date of this Zoning Code, regardless of the width of the lot, provided, that all other requirements of this Zoning Code are met.

3. Standards

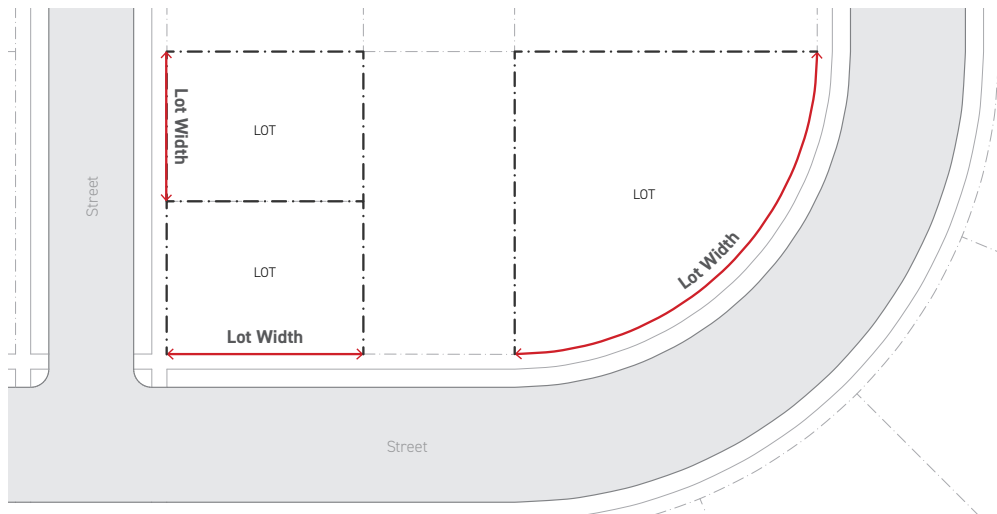
- a. Every new lot must have a width no less than the minimum lot width required by the zoning district, where one is given.

- b. In an RD- or RA district, new lots subdivided from an existing corner lot can only be subdivided along the primary street lot frontage. Any newly-created lot must meet the minimum lot width of the district. New lots cannot be subdivided along the side street lot frontage.



4. Measurement

- a. Lot width is measured following the geometry of all primary street lot lines that bound the lot.
- b. Where a lot has 2 or more primary street lot lines facing different streets, all primary street lot lines must meet the minimum width standard.



2.6.3. Dwelling Units

A. Dwelling Units per Lot

The maximum number of dwelling units allowed on a lot.

1. Intent

To promote a full range of housing choices and ensure the number of dwelling units allowed on a lot is aligned with the zoning district intentions and is physically compatible with the lot itself.

2. Applicability

- a. The limitation on the number of dwelling units per lot applies to all lots.
- b. Where sublots are allowed, density is calculated for each total lot, not individual sublots.

3. Standards

A lot cannot exceed the maximum number of dwelling units allowed by the zoning district.

B. Dwelling Units Per Building

The maximum number of dwelling units allowed in a building.

1. Intent

To help ensure that the size and scale of buildings are generally consistent with the mass and scale requirements of a zoning district.

2. Applicability

The limitation on the number of dwelling units in a building applies to each building on the lot.

3. Standards

A building cannot have more than the maximum number of dwelling units allowed by the zoning district.

2.6.4. Coverage

A. Building Coverage

The percentage of lot area covered by buildings or structures.

1. Intent

To help preserve open area and for vegetation, infiltration, and circulation by limiting the amount of buildings or structures that cover a lot.

2. Applicability

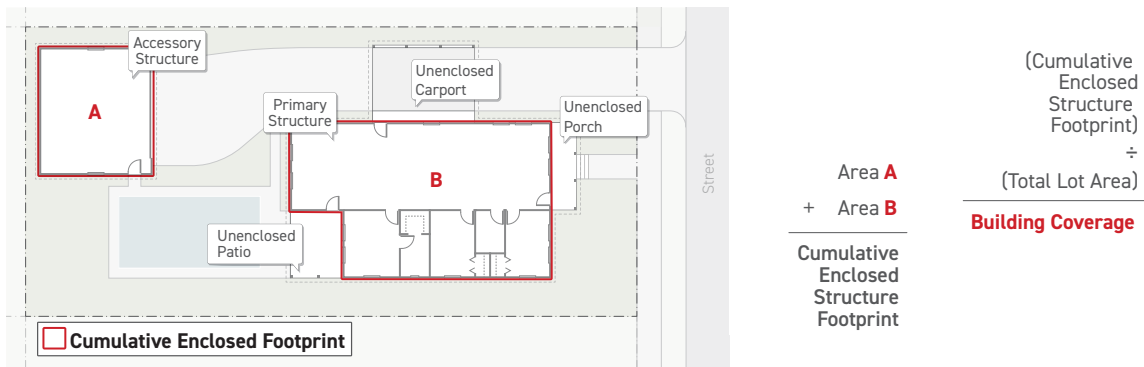
- a. The maximum building coverage requirements apply to all lots.
- b. Where sublots are allowed, building coverage is calculated for each lot, not individual sublots.

3. Standards

Buildings or covered structures on a lot cannot have a cumulative area in excess of the maximum building coverage allowed by the zoning district.

4. Measurement

- a. Building coverage is measured cumulatively for the entire lot.
- b. Building coverage is measured by dividing the building footprint of all enclosed buildings and structures on the lot by the lot area. Covered or unenclosed porches, decks, car ports, and roof overhangs are not included in the calculation of building coverage.



B. Vegetation Space

A minimum percentage of the lot area must be maintained as vegetation.

1. Intent

To help provide adequate opportunities to conserve natural features, clean air, reduce noise and glare, filtrate and infiltrate water, reduce flooding, and provide shade.

2. Applicability

- a. The vegetation space requirements apply to all lots.
- b. The cumulative area of vegetation space provided on a lot cannot be less than required by the zoning district.
- c. Outdoor amenity space that meets the requirements for vegetative space can be credited towards the vegetative space requirement.

3. Standards

- a. Vegetation space includes planted landscaped areas, preserved natural vegetation, and vegetated stormwater management areas. Areas occupied by buildings, parking areas, driveways, sidewalks, patios, decks, and other impervious surfaces do not count toward the vegetation space requirement.
- b. Existing healthy vegetation may be counted toward the vegetation space requirement when preserved and protected during development.

- c. A stormwater facility may count toward the vegetation space requirement when the facility is designed and maintained as a vegetated landscape area.
- d. Required vegetation space must be maintained as living landscape area and may not be converted to parking, storage, paving, or other impervious surfaces without approval under the Zoning Code.

C. Outdoor Amenity Space

An outdoor area on a lot designated to be used for active or passive recreation.

1. Intent

- a. To help provide adequate recreation and open space areas for developments, and to ensure such spaces are accessible, usable, and safe; and
- b. To encourage high-quality, pedestrian-oriented, and publicly-accessible gathering spaces along the street.

2. Applicability

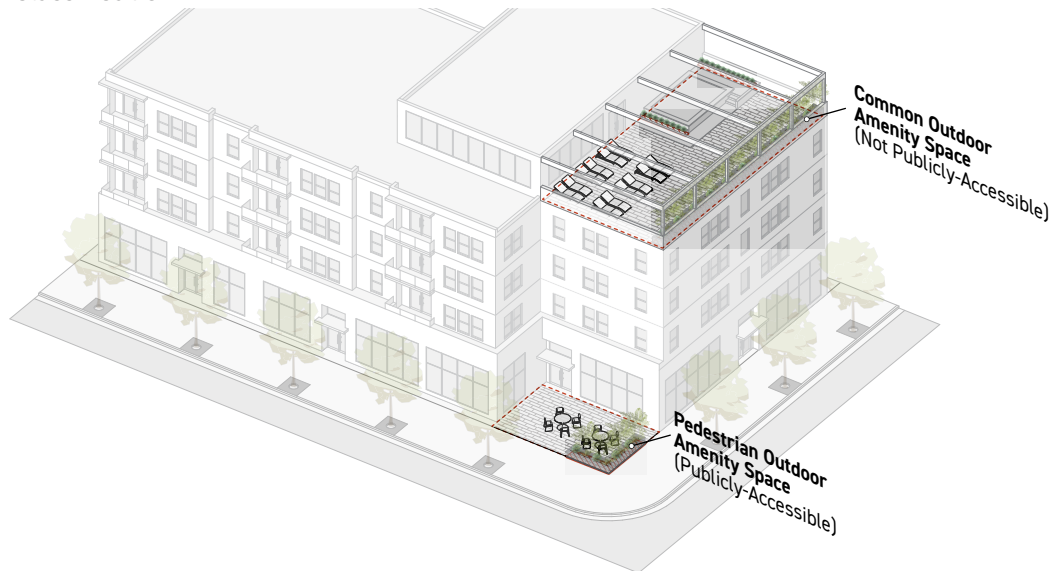
- a. The outdoor amenity space requirements apply to all lots.
- b. Where the calculation of outdoor amenity space requires less than 200 square feet, no amenity space is required.
- c. Where sublots are allowed, outdoor amenity space is calculated for each lot, not individual sublots.
- d. Vegetative space that meets the requirements for either Common Outdoor Amenity Space or Public Outdoor Amenity Space can be credited towards the outdoor amenity space requirement.

3. Standards

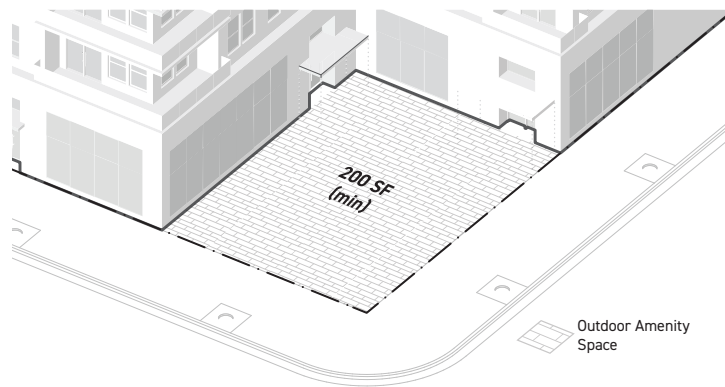
a. General

- I. The cumulative area of outdoor amenity space provided on a lot cannot be less than required by the zoning district.

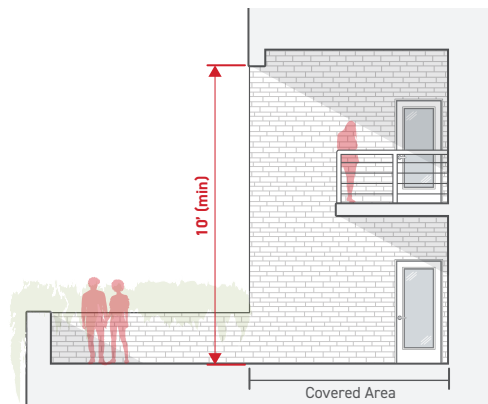
- II. Required amenity space must be classified as either Common Outdoor Amenity Space or Public Outdoor Amenity Space, and must meet the standards according to the classification.



- III. Each outdoor amenity space must have a minimum area of 200 square feet.



- IV. Outdoor amenity space may be covered but cannot be enclosed.
- V. Outdoor amenity space that is covered must have a minimum clear height of 10 feet.



b. Common Outdoor Amenity Space

Type of outdoor amenity space generally reserved for use by building occupants and may not be accessible to the public. Examples include roof decks, pool amenity areas, and courtyards.

Common outdoor amenity space must meet all of the general standards for outdoor amenity space in addition to the following requirements:

- I. Each square foot of common outdoor amenity space provided counts as 1 square foot of required outdoor amenity space.
- II. Common outdoor amenity space must be made available to all occupants of a building, at no cost, during the hours of operation of the building. The space may not be permanently reserved or in any way exclude any occupant during the time it is required to be made available to all occupants.
- III. Common outdoor amenity space cannot be located in a required transition setback area based on the requirements of [4.4.1. Transitions](#).

c. Public Outdoor Amenity Space

Type of outdoor amenity space that is publicly accessible and located in close proximity to the public sidewalk. Examples include patios and plazas.

Public outdoor amenity space must meet all of the general standards for outdoor amenity space in addition to the following requirements:

- I. Each square foot of public outdoor amenity space provided counts as 2 square feet of required outdoor amenity space.
- II. A minimum of 10 feet of the public outdoor amenity space perimeter must abut and be directly accessible from the sidewalk along a primary or side street.
- III. The finished floor or ground surface of a public outdoor amenity space must be located either at the same grade as the sidewalk, or within the minimum and maximum finished floor elevations specified by the zoning district (see [2.6.10.B. Finished Floor Elevation](#)).
- IV. Mechanical and utility equipment cannot be located within a public outdoor amenity space.

4. Measurement

The minimum required outdoor amenity space is calculated by multiplying the total lot area by the minimum outdoor amenity space percentage specified by the zoning district.

2.6.5. Building Setbacks

The area on a lot not intended for buildings and structures. Includes primary street setbacks, side street setbacks, side setbacks, rear setbacks, and alley setbacks.

A. Intent

To provide open areas on a site and help reduce the impact of buildings or structures on abutting sidewalks and neighboring development.

B. Applicability

1. The building setback requirements apply to all lots.
2. Where sublots are allowed, building setbacks apply only to the perimeter edges of the lot. Building setbacks do not apply to individual sublots.

C. Standards

1. Minimum Setbacks

All principal and accessory buildings and structures on a lot must be located at or behind the minimum building setback as specified by the zoning district, unless listed as an exception below

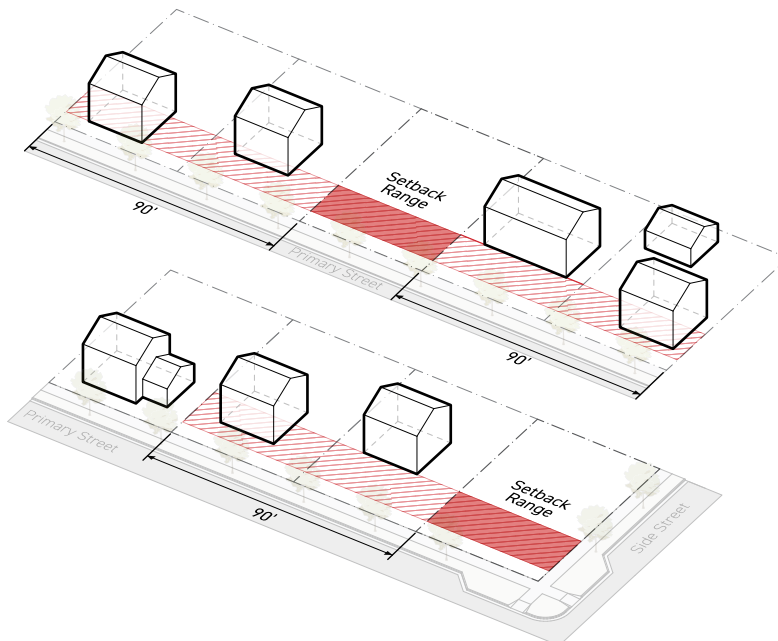
2. Maximum Setbacks

Zoning districts with a build-to width requirement have a required maximum setback, in addition to a required minimum building setback. In these districts, a certain portion of the building must be located at or in front of the maximum building setback specified by the district. For requirements related to the build-to, see [2.6.6 Build-to](#).

3. Existing Setback Range

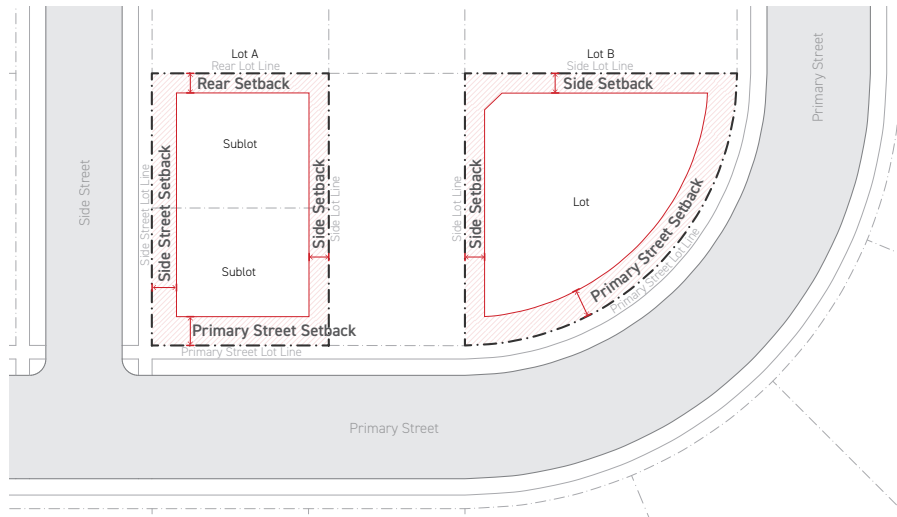
When the zoning district specifies “existing range,” the primary street setback is calculated as follows:

- a. The required primary street setback must be met within the range of existing primary street setbacks, no closer than the smallest and no further than the largest in the range.
- b. The setback range is measured on the basis of all principal buildings within 90 feet of any side lot line in either direction along the block face.
- c. If it is determined that the setback range cannot be adequately calculated, the setback for the zoning district must be met.

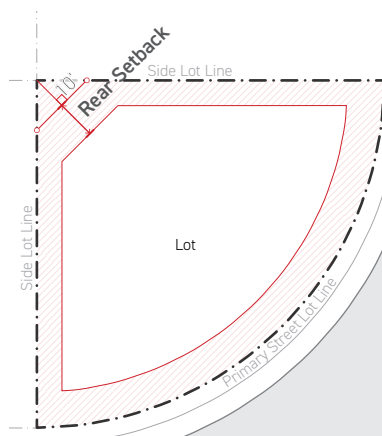


D. Measurement

1. All building setbacks are measured perpendicular to the applicable lot line.
2. Where a lot line abuts an access easement, the setback may be measured from the interior edge of the easement rather than the lot line.



3. A primary street setback is measured from the primary street lot line.
4. A side street setback is measured from the side street lot line.
5. A side setback is measured from the side property line. Where separate side setback requirements are given for attached and detached buildings, the attached standard applies to the adjoining side or sides of two or more units that are built together in a row. Non-adjoining sides (those units at the end of the row) are subject to the detached standard.
6. A rear setback is measured from the rear lot line.
 - a. For determining the rear setback for a triangular or gore-shaped lot, the rear lot line is measured from a 10-foot wide line, parallel to the primary street lot line that intersects two side lots lines at its endpoints.
 - b. For instances where the primary street lot line is not straight, the rear lot line must be parallel to a line connecting the end points of the primary street lot line.



7. Alley setback is measured from the alley lot line.

E. Exceptions

1. Limited Encroachments

- a. The following are allowed to encroach beyond the building setback up to the minimum distance from the lot line specified below. The encroachments only apply when the zoning district's setbacks are equal to or larger than the allowed encroachment setbacks specified below.

	SETBACK		
	Front / Side St.	Side / Rear	Alley
Architectural Details			
Encroachment (max)	2'	2'	2'
Distance from lot line (min)	1'	2'	1.5'
Roof Projections			
Encroachment (max)	2.5'	2.5'	2.5'
Distance from lot line (min)	1'	2'	1.5'
Unenclosed Structures: Ground Story			
Encroachment (max)	8'	3'	3'
Distance from lot line (min)	0'	2'	0'
Unenclosed Structures: Upper Story			
Encroachment (max)	5'	3'	5'
Distance from lot line (min)	1'	2'	1.5'
Enclosed Structures: Projecting			
Encroachment (max)	2.5'	1.5'	2.5'
Distance from lot line (min)	1'	2'	1.5'
Mechanical and Electrical Equipment			
Ground Mounted			
Encroachment (max)	not allowed	2.5'	2.5'
Distance from lot line (min)	--	2.5'	2'
Wall Mounted			
Encroachment (max)	not allowed	1.5'	1.5'
Distance from lot line (min)	--	2.5'	2'
Waste Enclosure			
Encroachment (max)	not allowed	5'	5'
Distance from lot line (min)	--	5'	5'
Signs	see 4.6		
Solar Energy Equipment	see 3.5.2.O		
Wind Energy Equipment	see 3.5.2.P		

- b. In an RC, RD-, RA, and RM- district, small accessory structures have reduced side and rear setbacks - see 3.5.1.C.

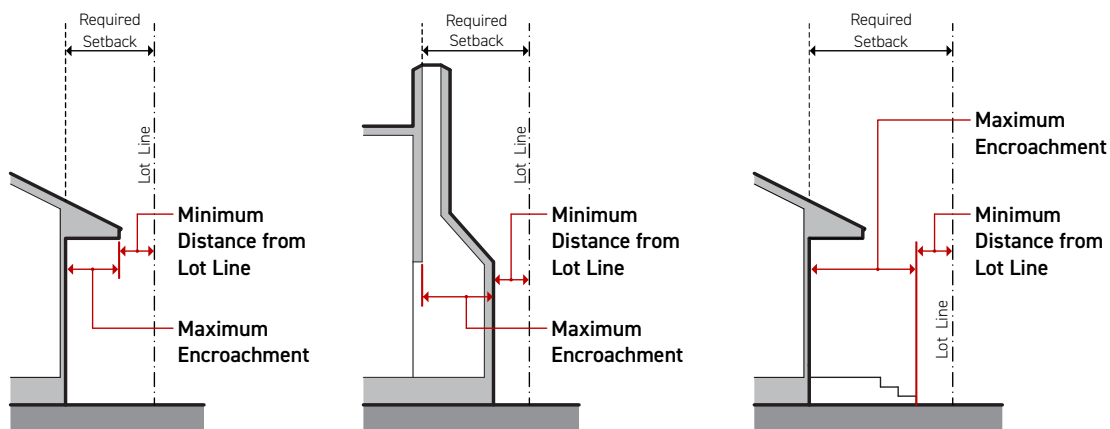
2. Unlimited Encroachments

The following may encroach into a required setback to the extent necessary to perform their proper function:

- a. Accessibility ramps and lifts and fire escapes;
- b. Any structure not more than 3 feet in height - including sidewalks, multi-use paths, ramps, driveways, patios, decks, transformers, gas meters, water softeners, generators, pool equipment, HVAC equipment, water utility devices, gas tanks, and cisterns.
- c. Fences and walls (see 4.5.2);
- d. Trees, shrubs, flowers, herbs, vegetables, grasses, ferns, mosses, and associated planters and raised planting beds, if applicable;
- e. Low impact development (LID) stormwater devices approved by the City; and
- f. Permanent or movable furniture. Examples include benches, tables, and bike parking racks.

3. Measurement of Encroachments

- a. Encroachment is measured as the horizontal distance from the edge of the area where structures are restricted.
- b. Distance from lot line is measured as the horizontal distance from a lot line. Distance from lot line is measured toward the interior of the lot line along the full perimeter of the lot line.



4. Encroachment Terminology

a. Architectural Details

Building elements not intended for human occupation attached to or integrated into the structure of a building including elements designed for environmental benefits. Examples include cornices, belt courses, sills, lintels, pilasters, pediments, chimneys, and solar shades.

b. Roof Projections

Roof elements that overhang or cantilever beyond the footprint of a building and do not include posts or columns. Examples include eaves, roof overhangs, gutters, awnings, and canopies.

c. Unenclosed Structures: Ground Story

Unenclosed structures having all finished floors and ground surfaces 3 feet or more in height and having a total structure height less than 15 feet. Examples include: porches, decks, stoops, landing platforms, and gazebos.

d. Unenclosed Structures: Upper Story

Unenclosed structures having a total structure height of 15 feet or greater. Examples include: balconies, upper-story light shelves, exterior stairways.

e. Enclosed Structures: Projecting

Enclosed structures that overhang or cantilever beyond the footprint of the building that have a cumulative length less than 25% of the width of the building facade. Examples include bay windows, sleeping porches, doorway vestibules, overhanging volumes, and enclosed balconies.

f. Mechanical and Electrical Equipment: Ground Mounted

Equipment supported by the ground related to publicly- or privately-owned or operated systems 3 feet or more in height. Examples include transformers, gas meters, water softeners, generators, pool equipment, HVAC equipment, water utility devices, gas tanks, cisterns, wind turbines, and solar panels.

g. Mechanical and Electrical Equipment: Wall Mounted

Equipment attached to a wall related to publicly- or privately-owned or operated systems. Examples include gas meters, electric meters, electrical or utility cabinets, water heaters, and internet or cable boxes.

h. Waste Enclosure

Waste areas and their required screening structures. Examples include trash compactors, garbage, recycling, and food waste containers.

2.6.6. Build-To

The amount of building that occupies the build-to zone relative to the width of the lot at the street lot line.

A. Intent

To regulate the placement of buildings so that buildings frame the public realm with a consistent street wall.

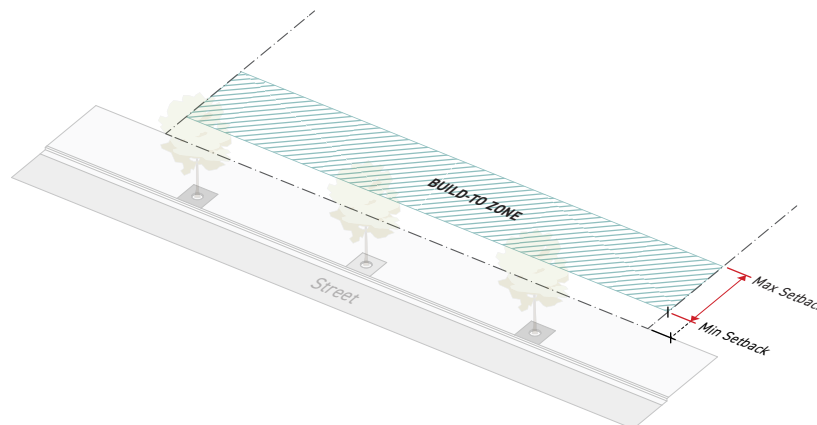
B. Applicability

1. The build-to applies to all lots.
2. Where sublots are allowed, the build-to is calculated for each lot, not individual sublots.
3. The build-to requirement applies to the ground story of the principal building only. The ground story is determined according to [2.6.8. Massing](#).

C. Standards

1. General

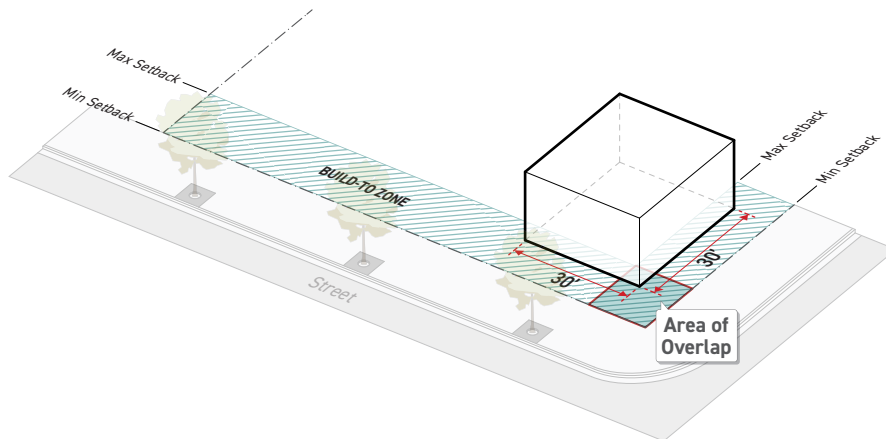
- a. The build-to zone is the area on the lot between the minimum and maximum building setbacks, for the full width of the lot.
- b. The build-to zone is measured from the primary or side street lot line. The build-to zone starts at the minimum building setback and extends to the maximum building setback.



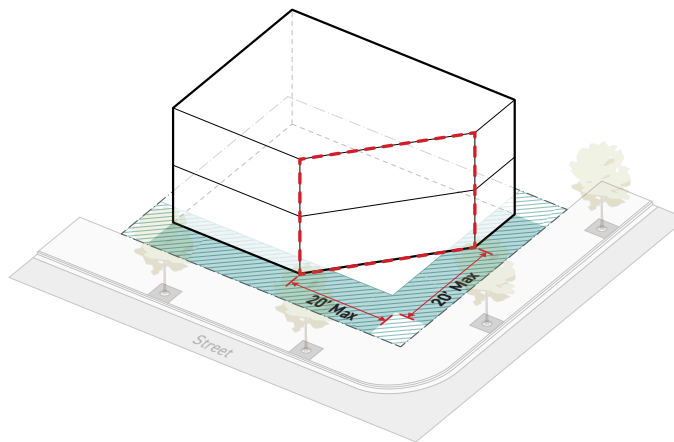
- c. No building or portion of a building facade can be located outside of the build-to zone, until the build-to requirement for the lot, as specified for the zoning district, has been met.
- d. Once the minimum build-to requirement has been met, buildings and structures may be located in the area behind the maximum building setback.

2. Corner Lots

- a. On corner lots where both streets have build-to width requirements, a building must occupy the portion of the area where the two intersecting build-to zones overlap. The building must occupy the build-to zones for both streets lot lines for a minimum of 30 feet from the corner. The minimum requirement is measured starting at the edge of the building occupying the area of overlap and moving away from the corner, parallel to the street lot line. This counts toward the required build-to width for both street lot lines.



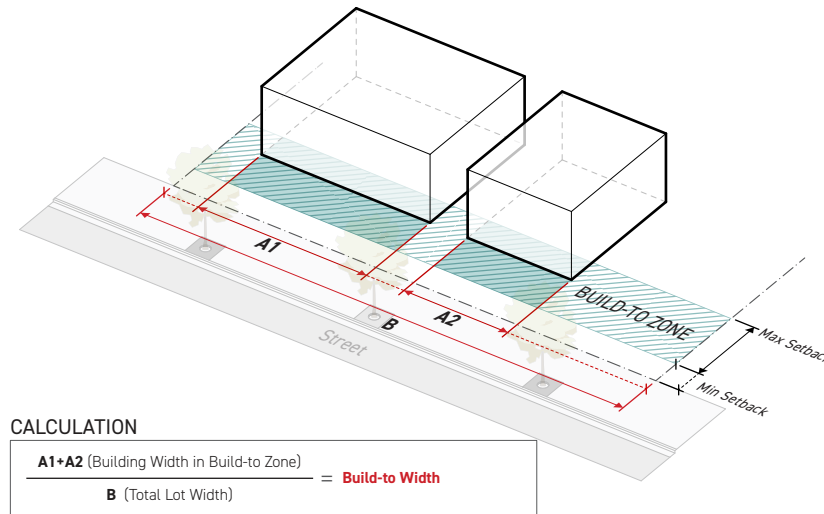
- b. A chamfered corner no more than 20 feet in width along both street lot lines qualifies as a building in the build-to zone even where it extends outside of the build-to zone. Chamfered corner width is measured parallel to the street lot line.



- c. Corner lot standards do not apply when a public outdoor amenity space occupies the same portion of the area of overlap and is being used to count toward the build-to requirement.

D. Measurement

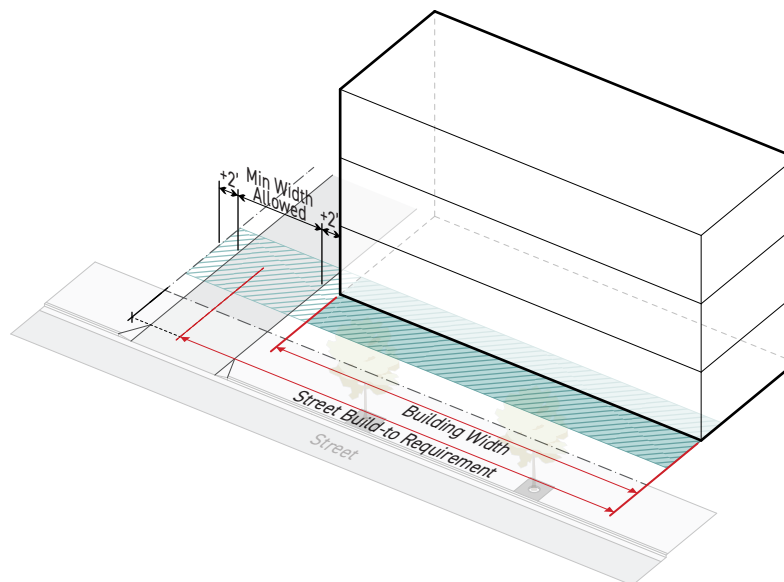
1. The build-to is a percentage measured as the sum of all building facades occupying the build-to zone, divided by the total lot width.
2. The build-to is calculated separately along each street lot line where a build-to is required.



E. Exceptions

1. Vehicular Access Allowance

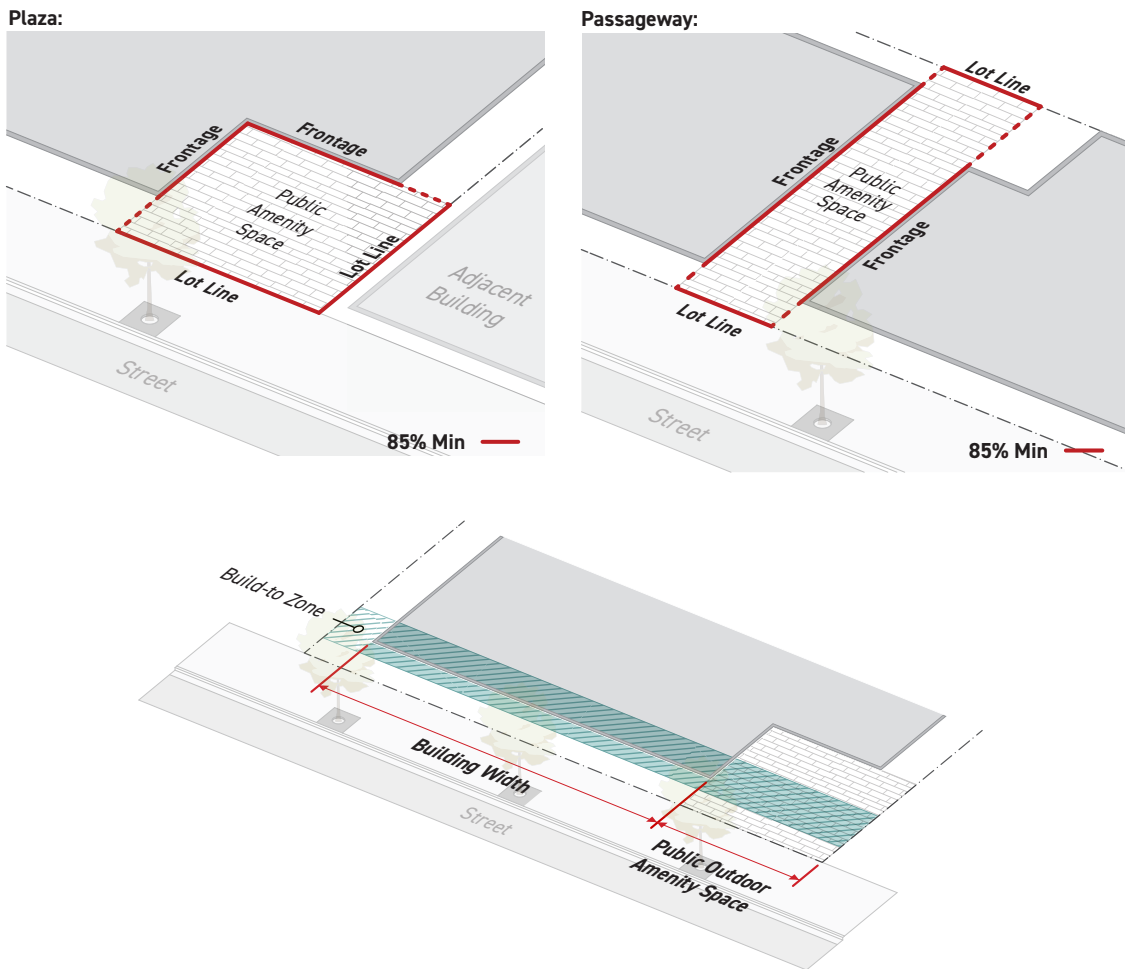
Where vehicular access is allowed from a street and providing access prevents a building from meeting the build-to requirement, a reduced build-to width may be allowed by the Zoning Administrator, provided the portion of the lot in the build-to zone used for vehicle access is no wider than the minimum required driveway width plus an additional 4 feet of width for clearance.



2. Public Outdoor Amenity Space Allowance

Space meeting the requirements for public outdoor amenity space (2.6.4.C. *Outdoor Amenity Space*) may be provided as a substitute for the build-to requirement, provided the following standards are met:

- A minimum of 80% of the public outdoor amenity space perimeter must abut either a lot line or a facade meeting the standards of the zoning district specified for the abutting street lot line.
- Where public outdoor amenity space abuts multiple street lot lines, the standards specified for the street lot line that abuts the public outdoor amenity space for the greatest length applies.



2.6.7. Parking Location

A. Between the Building and Street

1. Intent

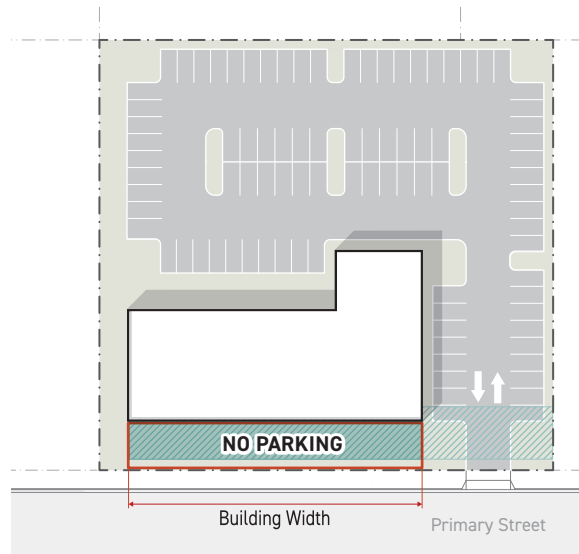
To minimize the impact of auto-dominated areas on the public realm and to promote a comfortable, safe, engaging and attractive streetscape with active uses and landscaping along the public realm.

2. Applicability

The parking location limitations apply along primary streets only.

3. Standards

- a. No parking or area designed for use by a motor vehicle use can be located between the portion of a building used to meet the build-to requirement and the primary street, when specified by the zoning district.



- b. All parking lots and other areas designed for use by a motor vehicles that abut primary or side streets must be screened in accordance with [4.4.3. Frontage Screens](#).
- c. See [4.3.2. Parking Lot Dimensions](#) and [4.3.3. Parking Lot Landscaping](#) for additional parking area requirements.

4. Measurement

For determination of build-to see [2.6.6. Build-to](#).

2.6.8. Massing

A. Building Height

The vertical dimension of a building or structure measured in feet and stories.

1. Intent

To help provide adequate light, air, safety, and to protect the visual character of an area and the interests of the general public.

2. Applicability

Building height limitations apply to all lots.

3. Standards

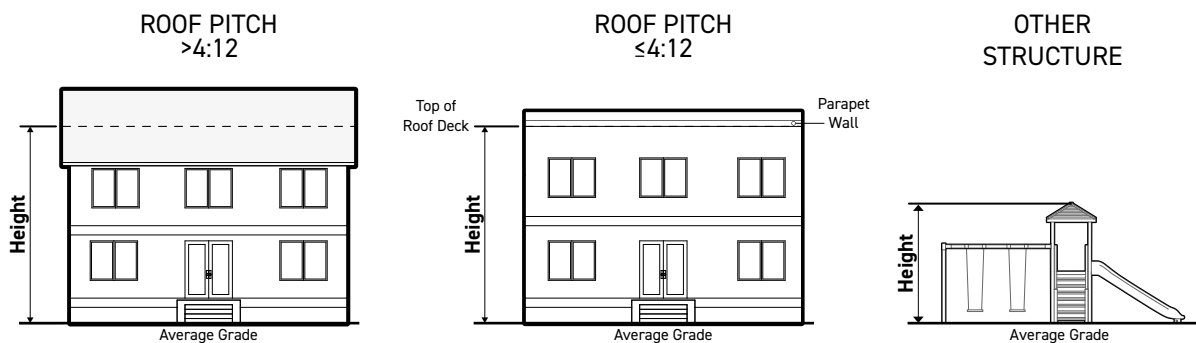
No building, portion of a building or structure can exceed the maximum height in number of feet or stories allowed in the zoning district, unless listed as an exception in **2.6.8.A.8. Exceptions** or when the zoning district specifies "contextual," see **2.6.8.A.5. Contextual Building Height**.

4. Measurement

a. Maximum Height in Feet

Height in feet is the number of feet from average grade to:

- I. The mid-point of the roof, for a building with a roof having a pitch greater than 4:12;
- II. The top of the roof deck, for a building with roof having a pitch of 4:12 and less; and
- III. The topmost point of the structure, for all other structures.



b. Average Grade

The elevation from which building and structure heights are measured.

i. General

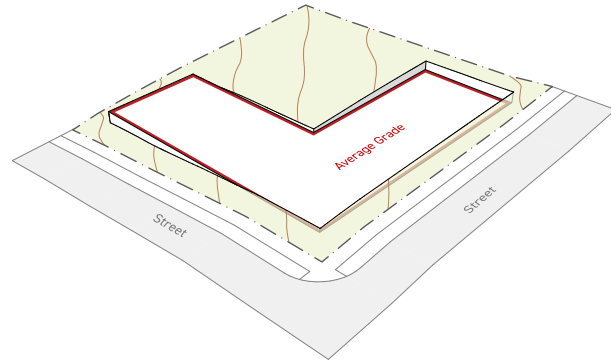
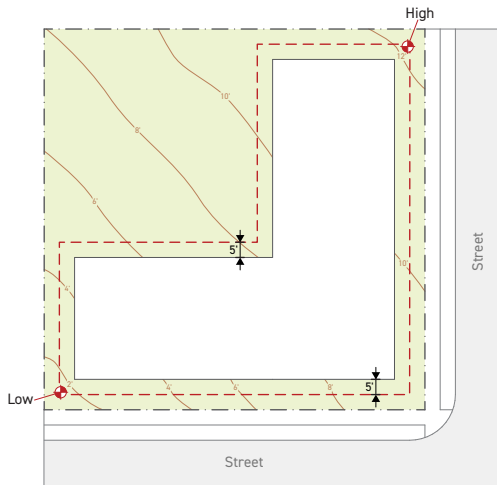
Average grade may be established either of the following ways:

- a). For a full building; or

b). For each building module established by ground story modules.

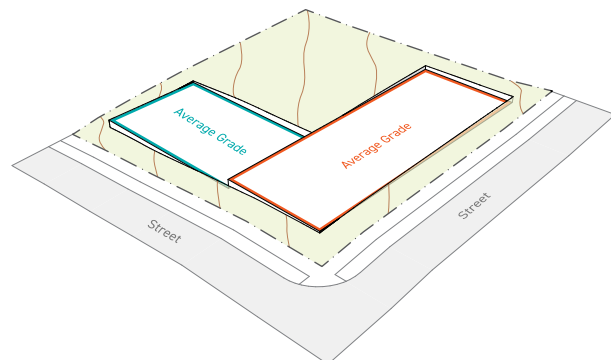
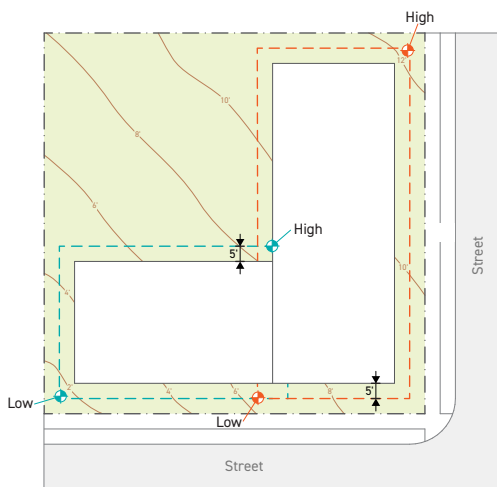
ii. Full Building Method

For the full building method, average grade is calculated by averaging the highest and lowest elevation of existing grade within 5 feet of the building perimeter.



iii. Building Module Method

For the building module method, average grade is calculated independent for each building module by averaging the highest and lowest elevation of existing grade within 5 feet of the perimeter of each building module.

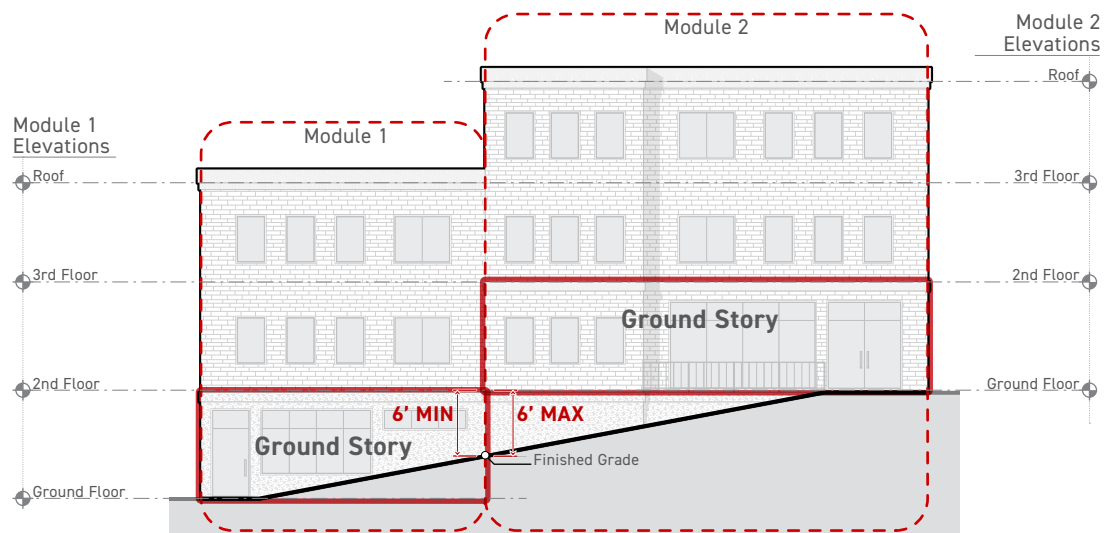


c. Maximum Height in Stories

- I. Height in stories is measured as the number of stories above finished grade. The ground story and all upper stories are included in the calculation of maximum height in stories.
- II. A story is the part of a building included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above.
- III. Basements and mezzanines do not count as a story.

IV. The ground story (or first story) of a building is determined as follows:

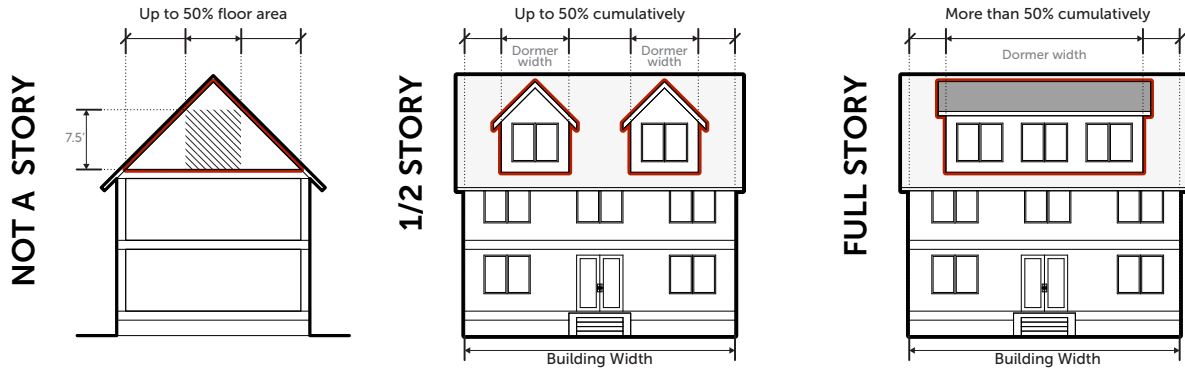
- a). The first (facade) story that is exposed a minimum of 6 feet above finished grade along the full width of the applicable building facade.
- b). The finished floor of a ground story can be no higher than 6 feet above finished grade for any portion of the building perimeter. This may mean the ground story may change within the same building.



V. The topmost story of a building is not counted as a full story and is counted as a half story when:

- a). It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finished ceiling; or

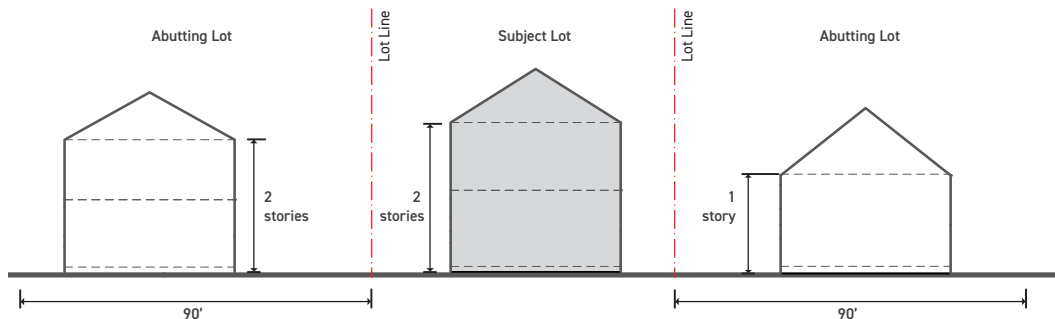
- b). Dormers do not exceed more than 50% of the front, rear or side building length.



5. Contextual Building Height

The maximum height of a building or structure cannot exceed the following:

- More than one story taller than the closest and shortest principal structure within 90 feet from each side lot line along the same block face. On a corner lot, the calculation includes the shortest principal structure along each street.
- The 90-foot measurement is inclusive of any public or private alleys intersecting the block face.
- If no principal structures exist within 90 feet of each side lot line, the maximum height is the default height for the zoning district.
- If the lot covers the entire extent of the block on which it is located, the maximum height is the default height for the zoning district.



6. Minimum Height

a. Intent

Minimum building height standards are established to promote a continuous street frontage, define the public realm, and reinforce an appropriate urban scale. By discouraging low-intensity development on sites served by existing infrastructure, these standards support walkability, economic vitality, and long-term adaptability of buildings while maintaining compatibility with surrounding development.

b. Applicability

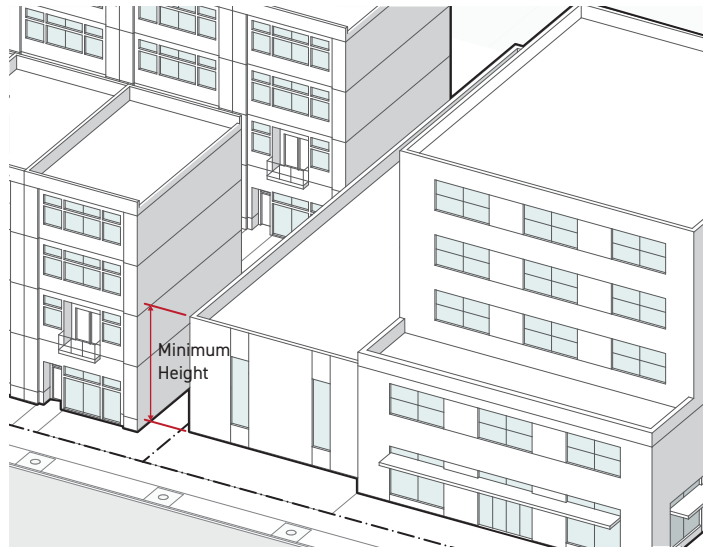
The minimum building height requirements applies to new construction only.

c. Standards

All new buildings must exceed the minimum height in feet specified in the zoning district within the build-to zone (see 2.6.6).

d. Measurement

Minimum height is measured from average grade to the topmost point of the building.



7. Upper-story Street Step back

A horizontal setback of an upper story of a building from the building facade or wall below it, measured perpendicular to the facade.

a. Intent

An upper-story step back reduces the apparent height and mass of a building as viewed from the street.

b. Applicability

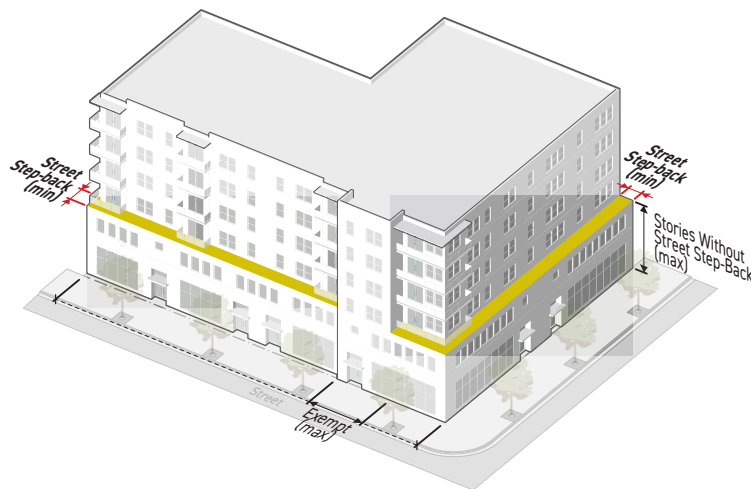
The upper-story step back requirement applies to new construction only.

c. Standards

- I. Each story subject to a step back requirement must be set back from the street-facing building facade by the minimum distance required by the zoning district.
- II. On corner lots, the required step back must be provided along each street-facing building facade.
- III. The required step back must extend across at least 80% width of the street-facing building facade.

d. Measurement

The upper story step back is measured as the horizontal distance between the exterior wall of the upper story and the exterior wall of the story immediately below.



8. Exceptions

a. Encroachments

The following encroachments are allowed to extend beyond the maximum height limit, as specified below:

	District Height (max)		
	Up to 40'	Between 40' & 70'	More than 70'
Architectural Elements			
Encroachment (max)	5'	10'	15'
Setback from roof edge (min)	0'	0'	0'
Safety Barriers			
Encroachment (max)	6'	6'	6'
Setback from roof edge (min)	0'	0'	0'
Vertical Circulation			
Encroachment (max)	14'	14'	14'
Setback from roof edge (min)	5'	5'	5'
Unenclosed Structures			
Encroachment (max)	10'	10'	10'
Setback from roof edge (min)	5'	5'	5'
Mechanical and Electrical Equipment			
Encroachment (max)	3'	5'	10'
Setback from roof edge (min)	5'	5'	5'
Flatwork			
Encroachment (max)	3"	3"	3'
Setback from roof edge (min)	1'	1'	1'
Vegetation			
Encroachment (max)	unlimited	unlimited	unlimited
Setback from roof edge (min)	1'	1'	1'
Signs		see 4.6	
Solar Energy Equipment		see 3.5.2.O	
Wind Energy Equipment		see 3.5.2.P	

b. Encroachment Terminology

i. Architectural Elements

Building elements not intended for human occupation attached to or integrated into the top of a building. Examples include chimneys, skylights, steeples, spires, belfries, cupolas, domes, flagpoles, and lighting.

ii. Safety Barriers

Vertical barriers used for safety and protection. Examples include fences, walls, parapets, and railings.

iii. Vertical Circulation

Enclosed structures used for building circulation and rooftop access. Examples include elevator rooms and associated equipment and stair access to the roof.

iv. Unenclosed Structures

Unenclosed structures attached to or integrated into the roof of a building, intended for human shelter or activity. Examples include shade structures, cabanas, pergolas, rooftop bars, outdoor dining, permanent seating, beehives, sports courts, and cooking facilities.

v. Mechanical and Electrical Equipment

Equipment supported by a roof related to publicly- or privately-operated systems. Examples include HVAC equipment, cisterns, water tanks, water heaters, exhaust ducts, smokestacks, communication equipment, satellite dishes, ventilation fans, flues, vent stacks, and generators.

vi. Flatwork

Constructed objects 3 feet in height or less. Examples include decking, walkways, patios, and planters.

vii. Vegetation

Living organisms, absorbing water and organic substances through its roots and synthesizing nutrients. Examples include trees, shrubs, flowers, herbs, vegetables, grasses, ferns, mosses, and associated planters and raised beds.

B. Attached Units in a Row

The maximum number of single-unit attached and two-unit attached dwelling units in a continuous row.

1. Intent

To help ensure rows of attached dwelling units are compatible with the surrounding neighborhood and to help avoid an unbroken wall of buildings that might negatively impact neighborhood aesthetics and connectivity.

2. Applicability

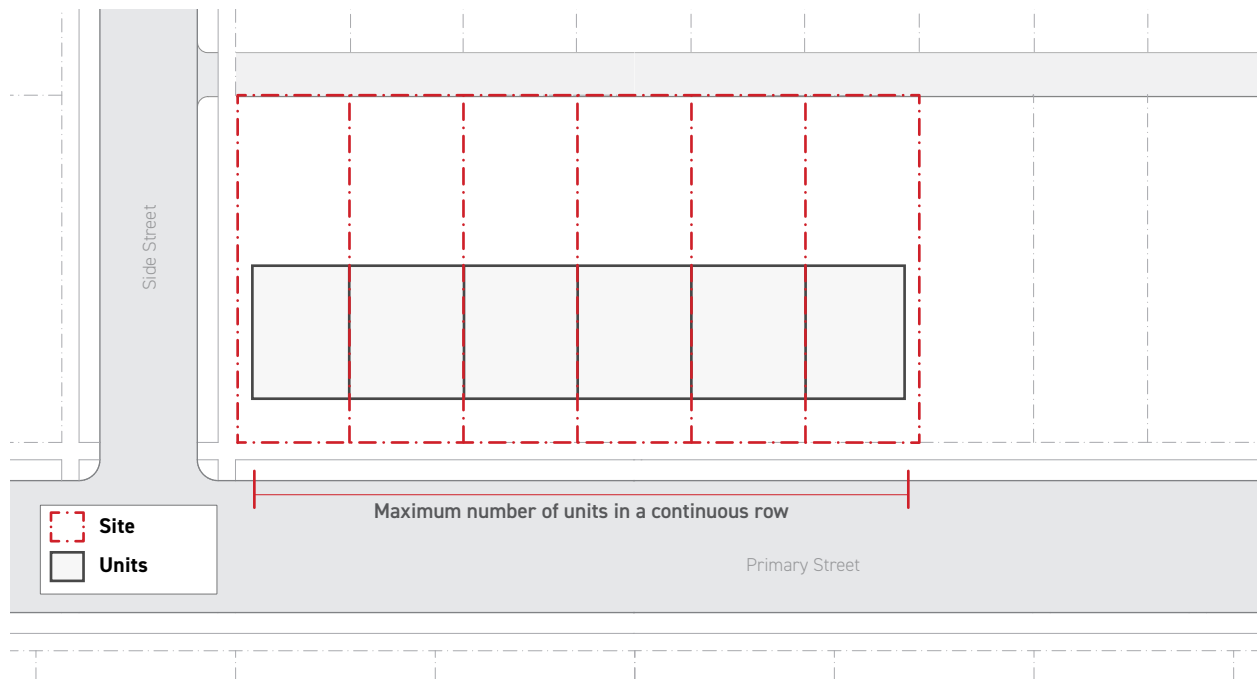
The maximum number of units in a continuous row applies to new construction of single-unit attached and two-unit attached dwelling units.

3. Standards

No continuous row of single-unit attached or two-unit attached dwelling units can exceed the maximum number of units allowed in row as specified by the zoning district without break of a least 6 feet between units.

4. Measurement

The maximum number of units in a continuous row is measured from one end of a row single-unit attached or two-unit attached dwelling units to the opposite end.



2.6.9. Active Depth

The horizontal depth of a building that must contain active spaces.

A. Intent

To help minimize the impact of inactive spaces on the public realm and to promote a comfortable, safe, engaging, and attractive build environment.

B. Applicability

1. Active depth standards apply to the portions of a building used to meet the minimum build-to width requirement along the primary street. *See 2.6.6. Build-to.*
2. Single-unit or two-unit dwellings do not have to meet the active depth requirements.

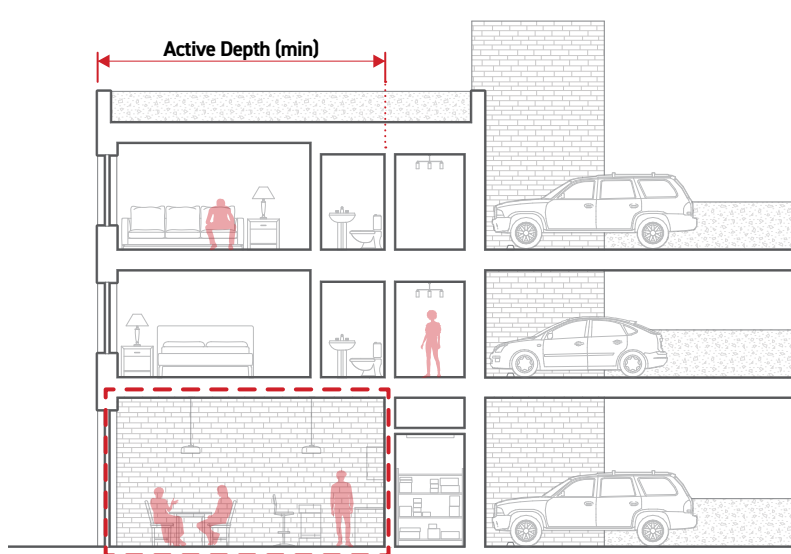
3. Active depth applies to the ground story only.

C. Standards

1. Applicable portions of a building must provide the minimum active depth required by the zoning district.
2. No more than 20% of the floor area of the required active depth may be used for inactive spaces such as storage, hallways, stairwells, and equipment rooms.
3. Parking spaces and motor vehicle use areas are not allowed in any portion of the required active depth.

D. Measurement

Active depth is measured from the front building facade inward to the interior of the building.



2.6.10. Ground Story

A. Ground Story Height

The floor-to-floor height of the story of a building.

1. Intent

To promote high-quality ground-story spaces that are adaptable and appropriate to their intended use and surrounding context.

2. Applicability

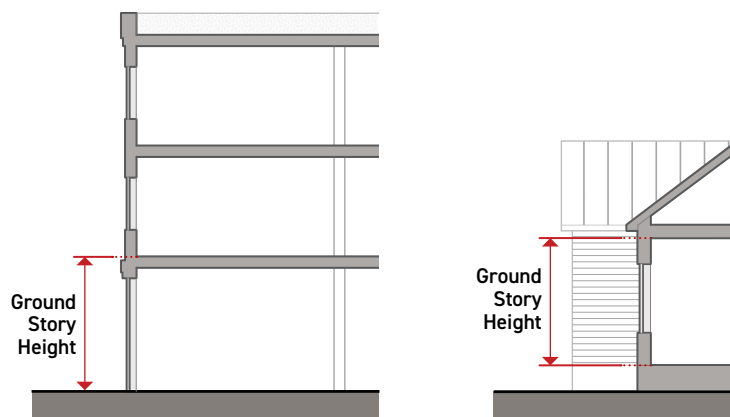
- a. The ground story height standards apply to all buildings that are constructed for residential or commercial activity on the ground story.
- b. Where a zoning district regulates ground story height differently for residential and nonresidential uses, residential standards apply to all residential uses, and nonresidential standards apply to nonresidential uses.

3. Standards

Ground story height can be no lower than the minimum ground story height required by the zoning district.

4. Measurement

- a. Ground story height is measured from the top of the finished floor of the ground story to the top of the finished floor of the story above.
- b. Where there is no story above, ground story height is measured from the top of the finished floor to the bottom of the roof structure above.



B. Finished Floor Elevation

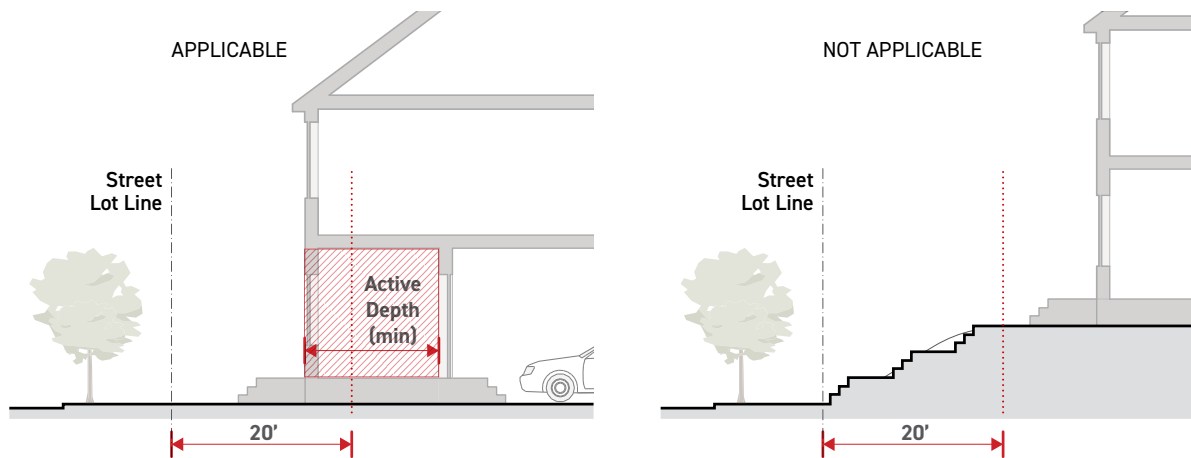
The height of the finished floor associated with the story of a building having its finished floor elevation nearest to finished grade.

1. Intent

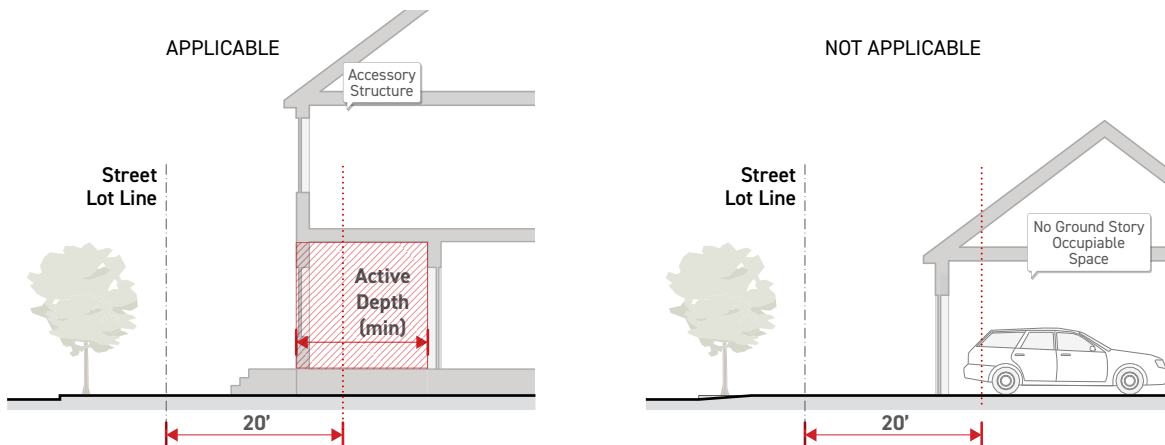
To promote “eyes” on the street, increase the perception of safety and encourage visual connections between the public realm and the exterior of a building.

2. Applicability

- The finished floor elevation standards apply to all buildings constructed for residential or commercial activity on the ground story that are located within 20 feet of a primary street or side street lot line.
- Where a zoning district regulates active depth, the finished floor elevation standards apply only to the required ground floor active depth.



- The finished floor elevation standards do not apply to accessory structures, unless the ground story of the accessory structure contains active spaces for a dwelling unit.



- d. Where a zoning district regulates finished floor elevation differently for residential and nonresidential uses, residential standards apply to all residential uses, and nonresidential standards apply to nonresidential uses.

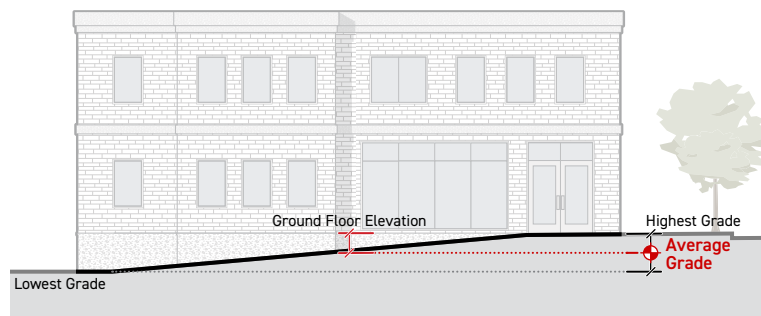
3. Standards

All applicable ground stories must have a finished floor surface meeting the following standards:

- a. An elevation no lower than the minimum finished floor elevation required by the zoning district.
- b. An elevation no higher than the maximum finished floor elevation required by the zoning district.

4. Measurement

- a. Finished floor elevation is measured from average grade to the top of the finished floor of the ground story.
- b. On corner sites, for the purpose of determining finished floor elevation, average grade must be established independently for each street-facing building facade.
- c. Average grade is measured according to *2.6.8. Massing*.



2.6.11. Windows

A. Ground Story and Upper Story Transparency

The amount of transparent area on a building facade.

1. Intent

To help provide visual interest along the public realm by encouraging visual connections between the public realm and the interior of a building.

2. Applicability

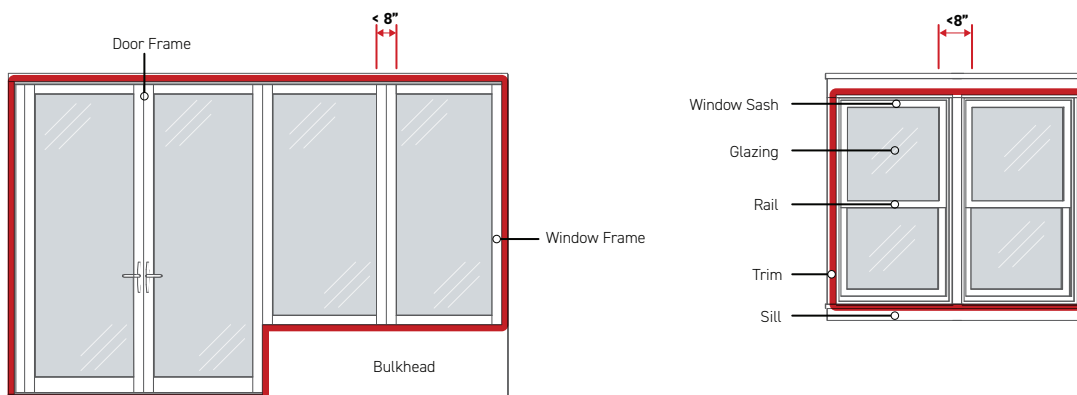
Ground story and upper story transparency standards apply to primary and side street-facing building facades only. The ground story is determined according to [2.6.8. Massing](#). Stories above the ground story are considered an upper story.

3. Standards

- a. Ground and upper story building facades must meet the minimum transparency of the zoning district.
- b. To be considered transparent area, window and door glazing must meet the following requirements:

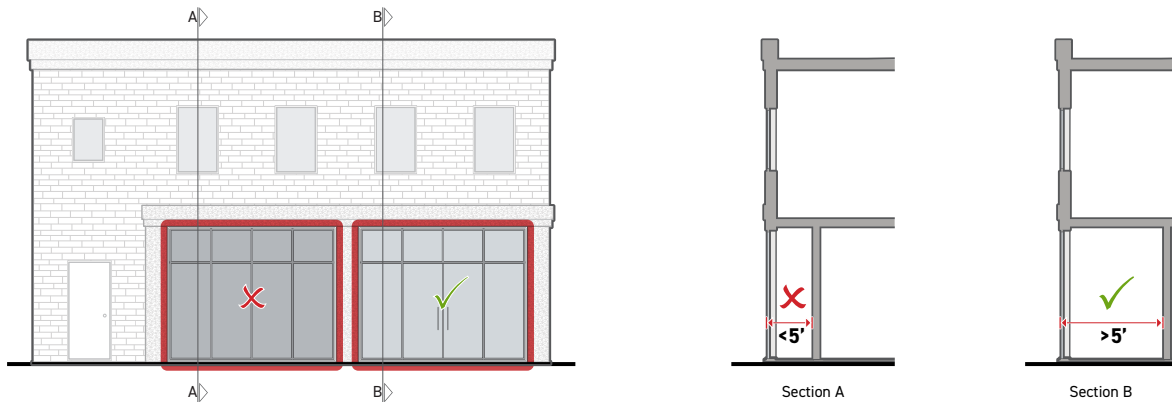
	Visible Light Transmittance	External Reflectance
Ground story	More than 60%	Less than 20%
Upper story	More than 30%	Less than 40%

- c. Muntins, mullions, window sashes, window and door frames, or window and door trim that are integral to window and door assemblies that are less than 8 inches wide may be considered transparent when calculating required percentages.



- d. Windows and doors used to meet the transparency requirements may be temporarily covered by operable window treatments, such as curtains or blinds.
- e. Windows and doors obscured by fixed exterior facade screens may count toward transparent area, provided no more than 20% of the total transparent area is covered for any individual window or door opening counting toward transparent area.

- f. Interior walls and other permanent interior visual obstructions cannot be located within 5 feet of the window or door opening used to meet the transparency requirement.

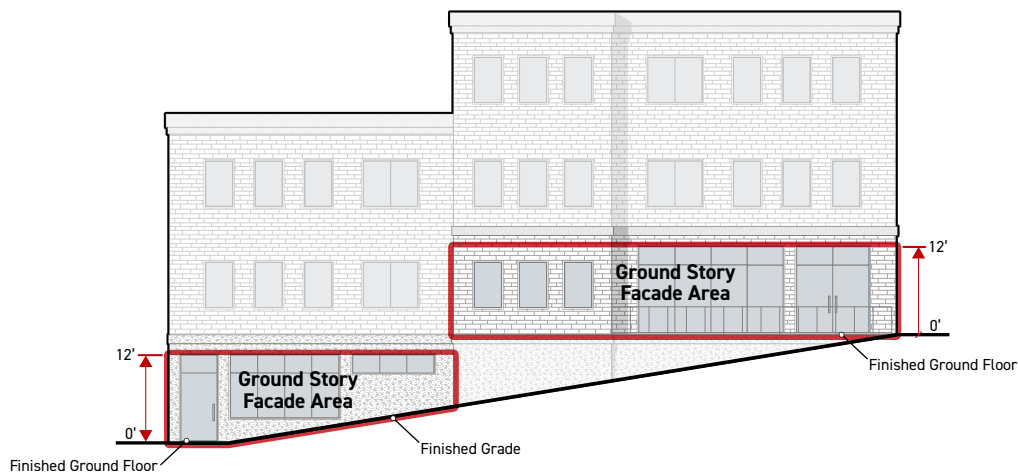


4. Measurement

a. Ground Story

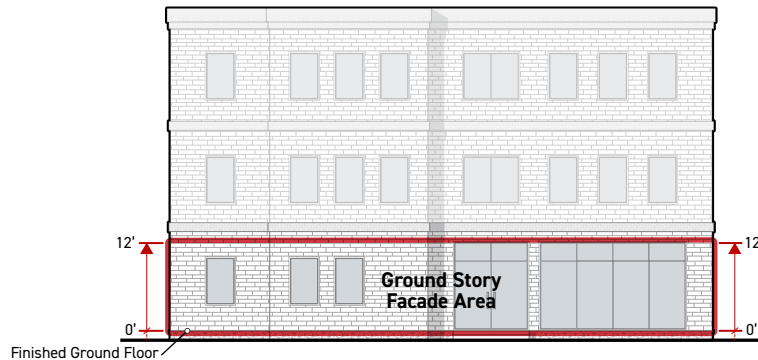
i. General

- a). Ground story transparency is measured as a percentage calculated as the sum of all facade area meeting the measurement requirements for transparency, divided by the total applicable facade area.
- b). No portion of a ground story located below finished grade is included in ground story facade area.



ii. Ground Story Transparency

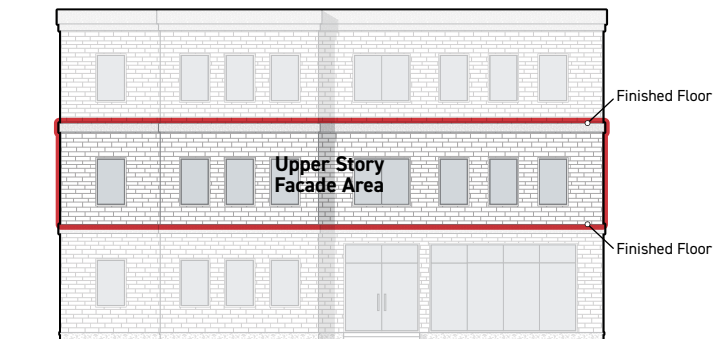
- a). For the purpose of calculating transparency, ground story facade area is measured between 0 and 12 feet above the top of the ground story finished floor elevation.



- b). If the ground story height is less than 12 feet, ground story facade area is measured between the top of the finished floor of the ground story and the top of the finished floor of the story above. When there is no story above, it is measured to the bottom of the roof structure above.

b. Upper Stories

- I. For the purpose of calculating upper story transparency, upper story facade area is measured as the portion of the facade area between the top of the finished floor for that story and the top of the finished floor above. When there is no story above, it is measured to the bottom of the roof structure above.



- II. Upper story transparency is measured separately for each individual story of a building facade above the ground floor.

B. Blank Wall Width

The width of ground story facades and foundation walls without window or door openings.

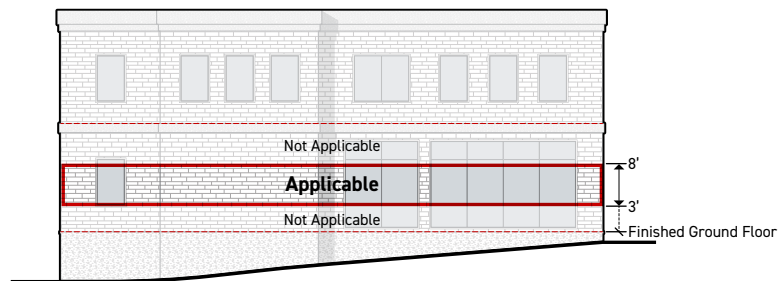
1. Intent

To provide visual interest and activation along the public realm by limiting the area without visual or physical connections between the public realm and the interior of a building.

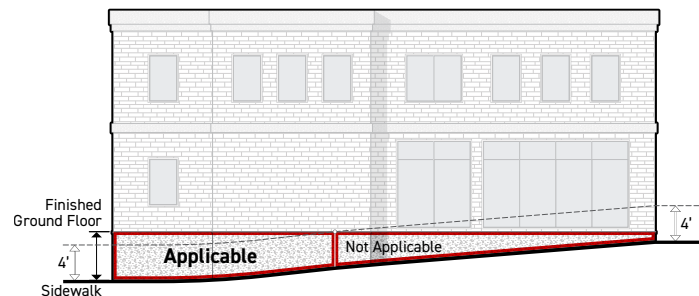
2. Applicability

Blank wall standards apply to the following:

- a. Street-facing facades between 3 and 8 feet from the finished floor elevation of the ground story, measured vertically.



- b. All portions of foundation walls on street-facing building facades that are exposed 4 feet in height or greater above finished grade. If foundation walls are set back more than 10 feet from a sidewalk, exposed height is measured from the lowest elevation of finished grade within 5 feet, measured from and perpendicular to the foundation wall.



3. Standards

a. General

Windows and doors meeting the standards of **2.6.11.A. Ground Story and Upper Story Transparency** on ground story facades or foundation walls may be separated by a distance no greater than the maximum blank wall width specified by the zoning district.

b. Ground Story Facade Blank Wall Treatments

Ground story facades that exceed the maximum allowed blank wall width may apply one or more of the following blank wall treatments and increase the allowed blank wall width by 100%.

LIVING WALL

A permanently fixed assembly located between a ground story facade with no window or door openings and the public realm that supports plants, their growing medium, and irrigation.

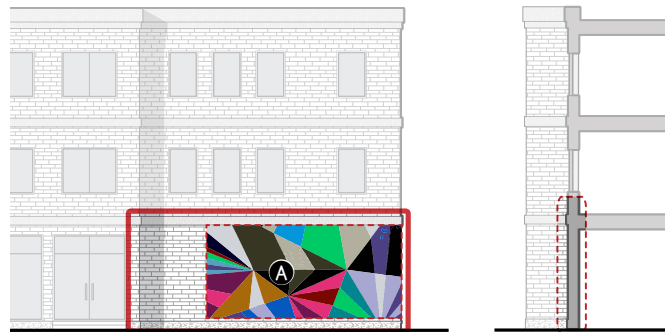


DIMENSIONAL STANDARDS

A Treatment area (min % of blank facade area)	75%
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PUBLIC ART

A noncommercial image attached to the blank wall and is sufficiently different from the building facade. Public art must be reviewed by the Zoning Administrator to confirm any mural or art display is not considered a sign.



DIMENSIONAL STANDARDS

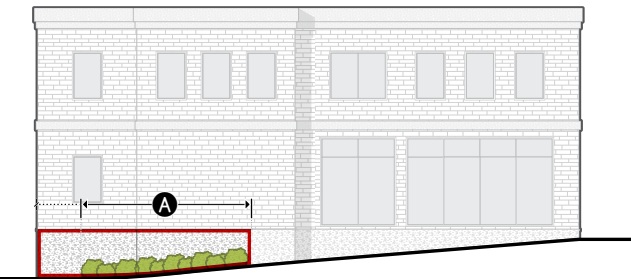
A Treatment area (min % of blank facade area)	75%
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c. Blank Foundation Wall Treatments

Foundation walls that exceed the maximum allowed blank wall width may apply one or more of the following blank foundation wall treatments and increase the allowed blank wall width by 100%.

FOUNDATION PLANTING

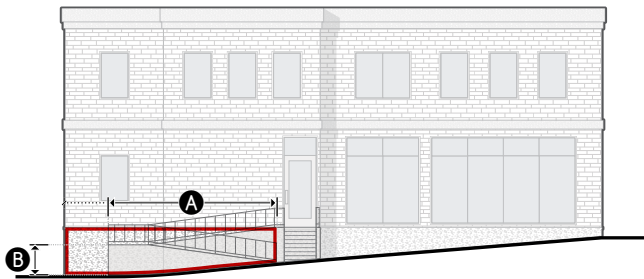
Screening plants located between a foundation wall with no window or door openings and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
Plant type	Screening plant
Planting frequency (min avg.)	3 per 10'
Planting area depth (min)	3'

PEDESTRIAN ACCESS

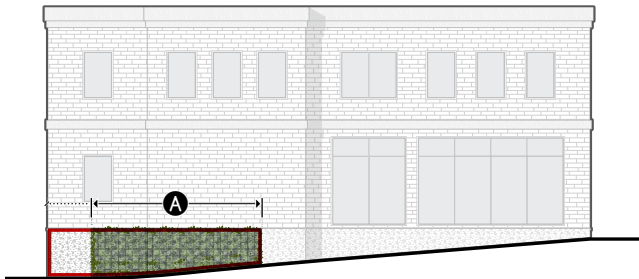
Stairs or ramps providing pedestrian access to a street-facing entrance located between a foundation wall with no window or door openings and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
B Height above sidewalk (max)	4'

LIVING WALL

A structure permanently attached to a foundation wall with no window or door openings that supports climbing plants.



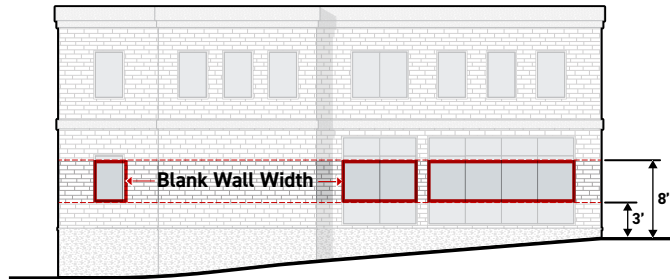
DIMENSIONAL STANDARDS

A Treatment area (min % of blank foundation wall area)	75%
Planting area depth (min)	1.5'

4. Measurement

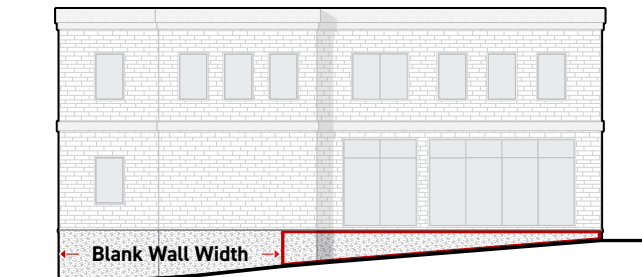
a. Ground Story Facade Blank Wall

- I. Blank wall width is measured horizontally along a street lot line for any width of ground story facade that does not include transparency between 3 and 8 feet above finished floor elevation.
- II. Blank wall width is measured from the edge of a window or door to the edge of an adjacent window or door, or to the edge of the building.



b. Blank Foundation Wall Width

Blank wall width is measured horizontally and parallel to the street lot line from edge of transparent area to edge of transparent area, and edge of transparent area to edge of the foundation wall.



5. Blank Wall Treatments

a. Treatment Width

Minimum treatment width is measured as a percentage, calculated as the cumulative width of blank wall treatments divided by the total length of blank wall width.

b. Treatment Area

Minimum treatment area is measured as a percentage, calculated as the cumulative area of blank wall treatments divided by the total applicable facade area within the blank wall width.

c. Planting Frequency

Planting frequency is measured as a ratio of the minimum number of plants required along the total length of the blank wall width. A minimum of one plant of the required plant type must be provided regardless of the width of blank wall treatment.

d. Planting Area Depth

Minimum planting area depth is measured as the horizontal dimension of growing medium at the narrowest point, measured perpendicular to the applicable street lot line. The planting area must be open to the sky for at least the required planting area depth.

e. Height Above Sidewalk

- I. Height above sidewalk is measured vertically from adjacent sidewalk grade to the topmost point of the blank wall treatment.
- II. Of foundation walls located more than 10 feet from the sidewalk, maximum height above sidewalk is measured from the lowest elevation of finished grade to within 5 feet, measured from and perpendicular to the foundation wall, to the topmost point of the blank wall treatment.

2.6.12. Doors

A. Street-Facing Entry

Street-facing doors providing access from the public realm to the interior of a building.

1. Intent

To provide visual interest along the public realm, orient buildings to the public realm and promote greater use and activation of the public sidewalk and the interior of a building.

2. Applicability

- a. Street-facing entry requirements apply to all ground story street-facing facades.
- b. Accessory structures do not have to provide a street-facing entry.

3. Standards

- a. A street-facing entry must be provided to meet the street-facing entry requirements of the zoning district.
- b. To qualify as a street-facing entry, building entrances must meet the following standards:
 - I. Be located on a street-facing ground story facade;
 - II. Provide both ingress and egress pedestrian access to the ground story of the building;
 - III. Remain operable and accessible to residents of the building at all times. Access may be controlled and limited to occupants but the entrance may not be permanently blocked, or otherwise rendered unusable. For a commercial use, the entrance must be unlocked and available for pedestrian use whenever the use is open for business; and
 - IV. Must access an occupiable space.
- c. On a corner lot, an angled entry at the corner of the building where the primary and side street-facing facades meet may be used to meet the requirement for a street-facing entry along both streets.
- d. Non-required entries are allowed in addition to required entries.

B. Entry Feature

Improved design requirements applied to entrances along the public realm.

1. Intent

To promote visual interest along the public realm, provide greater shelter and comfort to users, and highlight connections between the public and private realm to improve walkability.

2. Applicability

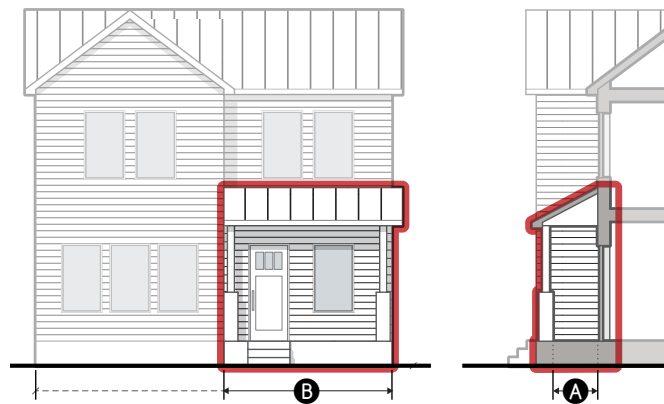
Entry feature standards apply to all required street-facing entrances.

3. Standards

- a. Each required street-facing entrance must include an entry feature meeting the standards for one of the following entry feature options.
- b. Required entry features must abut and provide direct access to a street-facing entrance. An entrance directly accessed from an entry feature counts as a street-facing entrance, regardless if it faces the street.
- c. Required entry features must provide direct access from the public realm associated with the primary or side street lot line.

PORCH

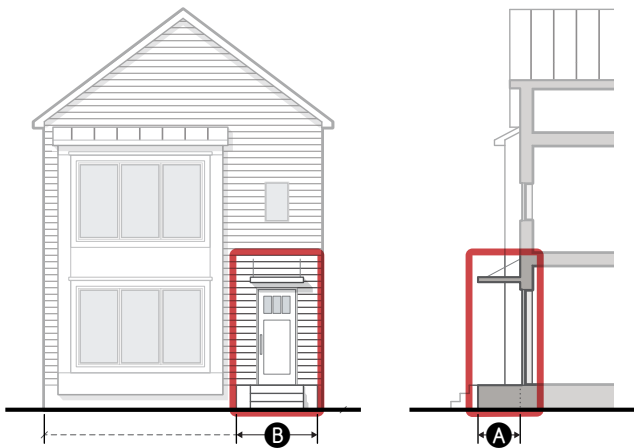
A wide, raised platform, projecting in front of a street-facing entrance, that is entirely covered but not enclosed.



DIMENSIONAL STANDARDS	
A Depth (min)	5'
B Width (min % of building width)	30%
Covered entrance	Required
Enclosed	Not allowed

RAISED ENTRY

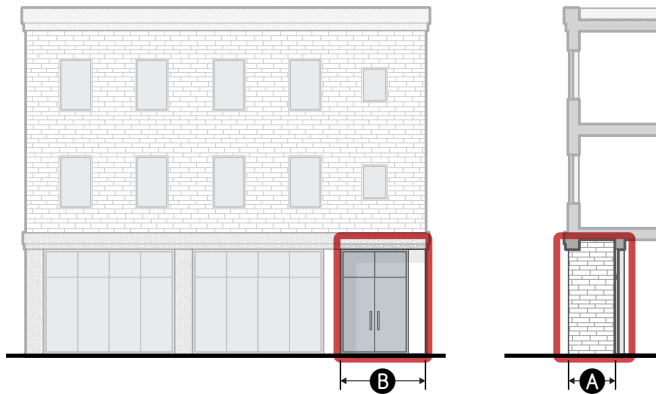
A raised platform accessed from an exterior staircase, providing covered access to a street-facing entrance.



DIMENSIONAL STANDARDS	
A Depth (min)	3'
B Width (min)	4'
Covered entrance	Required
Enclosed	Not allowed

RECESSED ENTRY

A space set behind the primary facade plane providing sheltered access to a street-facing entrance.



DIMENSIONAL STANDARDS

A Depth (min)	3'
B Width (min)	5'
Covered entrance	Required
Enclosed	Not allowed

COVERED ENTRY

A space that provides sheltered access to an at-grade street-facing entrance with an overhead projecting structure.



DIMENSIONAL STANDARDS

Depth (min)	n/a
Width (min)	n/a
Covered entrance	Required
Enclosed	Not allowed

FORECOURT

A yard screened with a short wall, fence or hedge that provides significant privacy for occupants located on the ground story, near sidewalk grade.



DIMENSIONAL STANDARDS

A	Depth (min)	8'
B	Width (min)	10'
	Covered entrance	Required
	Fence or wall height (min/max)	2.5' / 4'
	Enclosed	Not allowed

4. Measurement

a. Depth

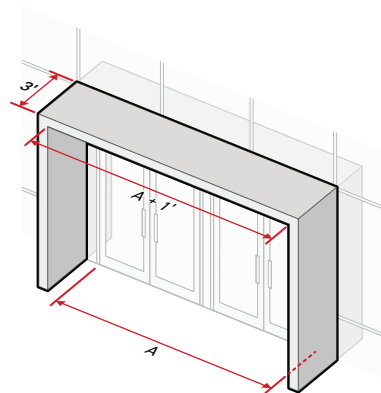
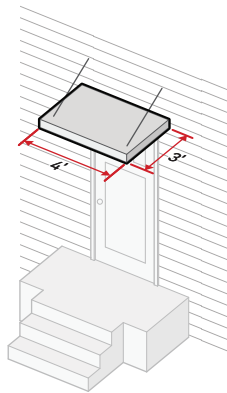
Minimum depth is measured as the horizontal dimension at the narrowest point of an entry feature, perpendicular to the applicable street lot line.

b. Width

- I. When specified in feet, width is measured as the total width of an entry feature, measured parallel to the street lot line.
- II. When specified as a percentage, width is measured as the total width of the entry feature divided by the total width of the building that the entry provides access to, measured parallel to the street lot line. When the calculation for an entry feature width percentage results in a fraction, the result is rounded up to the nearest whole number.

c. Covered Entrance

- I. When required as a part of an entry feature, a canopy, roof, or other sheltering structure must cover the exterior area immediately abutting the associated street-facing entry.
- II. The minimum depth of the covered area is 3 feet.
- III. The minimum width of the covered area is 4 feet or the width of the street-facing entry plus 1 foot, whichever is greater.



A = Street-Facing
Entry Width

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ARTICLE 3.

USE PROVISIONS

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SEC. 3.1. OPENING PROVISIONS

3.1.1. Applicability

- A. Use requirements apply based on what type of project activity is proposed, as shown in the table below. Typically, more than one project activity applies (for example, an expansion of an existing use may include both an addition and a facade modification).

Cross-reference	Use Requirements	Project Activity						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Sec. 3.2.	Use Permissions	●	●	●	○	●	●	○
Sec. 3.3.	Use Definitions	●	●	●	○	●	●	○
Sec. 3.4.	Specific Use Standards	●	●	●	○	●	●	○
Sec. 3.5.	Accessory Uses and Structures	●	●	●	○	●	●	○
Sec. 3.6.	Temporary Uses and Structures	●	●	●	○	●	●	○

● = Standards apply ○ = Standards do not apply

- B. Project activities are defined in [2.1.3. Project Activities](#).
- C. Where a Section is listed as applying, all use requirements must be met. The standards may be modified by [6.3. Nonconformities](#).

SEC. 3.2. **USE PERMISSIONS**

3.2.1. **Use Table Key**

A. Allowed Uses

- P = A by-right allowed use.
- P* = A by-right allowed use, provided it meets the use standards in the right-hand column of the use table.

B. Discretionary Allowed Uses

- C = A use allowed only with a Conditional Use Permit - see [6.2.3. Conditional Use Permits](#)
- C* = A use allowed only with a Conditional Use Permit, provided it also meets the use standards in the right-hand column of the use table.

C. Uses Not Allowed

- = A use not allowed

3.2.2. Allowed Use Table

Use Category Specific Use	RESIDENTIAL								MIXED USE					INDUSTRIAL			INSTITUTIONAL & OPEN SPACE				Use Standard	
	RC	RD-A	RD-B	RD-C	RA	RM-A	RM-B	RM-C	RM-S	MX-3	MX-5	MX-7	MX-13	MX-U	IX	IL	IH	CMP	INS	CEM		OS
RESIDENTIAL USES																						
Household Living (3.3.2.A)																						
Single-unit detached	P	P	P	P	P*	P	P	P	P	P	-	-	-	-	-	-	-	P*	P*	-	-	341A.1 341A.2
Single-unit attached	-	-	-	-	P*	P	P	P	P	P	P	-	-	-	P	-	-	P*	P*	-	-	341A.1 341A.2
Two-unit detached	-	-	-	-	P*	P	P	P	P	P	-	-	-	-	-	-	-	P*	P*	-	-	341A.1 341A.2
Two-unit attached	-	-	-	-	P*	P	P	P	P	P	P	-	-	-	P	-	-	P*	P*	-	-	341A.1 341A.2
Multi-unit (3 to 4 units)	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	-	-	P*	P*	-	-	341A.1 341A.2
Multi-unit (5 to 12 units)	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	P*	P*	-	-	341A.2
Multi-unit (13 or more units)	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P*	P*	-	-	341A.2
Mobile home park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Live-work	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	341B.1
Group Living (3.3.2.B)																						
General group living	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	C	C	-	-	
Co-housing	P	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	
Senior care	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-	
Special Needs Housing (3.3.2.C)																						
Emergency housing	P*	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	341C
Permanent supportive housing	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	341C
Transitional housing	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	341C
PUBLIC & INSTITUTIONAL USES																						
Civic (3.3.3.A)																						
General civic	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	P	
Funeral home	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	

KEY: P Use Allowed By-Right | C Conditional Use Permit Required | * Use Standards apply | - Use Not allowed

ARTICLE 3. USE PROVISIONS
USE PERMISSIONS

Use Category Specific Use	RESIDENTIAL								MIXED USE				INDUSTRIAL				INSTITUTIONAL & OPEN SPACE				Use Standard
	RD-A	RD-B	RD-C	RA	RM-A	RM-B	RM-C	RM-S	MX-3	MX-5	MX-7	MX-13	MX-U	IX	IL	IH	CMP	INS	CEM	OS	
Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-	
Day Care (3.3.3.B)																					
General day care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	-	-	
Education (3.3.3.C)																					
General education	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	-	P	
Business college or trade school	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	
College or university	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Parks and Open Space (3.3.3.D)																					
Public open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Private open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
Utility Service (3.3.3.E)																					
Minor utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Major utility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	-	-	
Electric/gas substation	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	-	C	
Wireless communications facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	C*	3.7
COMMERCIAL USES																					
Adult Business (3.3.4.A)																					
Adult entertainment establishment, adult book store, adult motion picture theater and massage parlors	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	P*	-	-	-	-	-	3.4.3.B.1
Agriculture (3.3.4.B)																					
Greenhouse or nursery	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	
Indoor growing system	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	
Urban garden	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	-	-	P*	P*	-	P*	3.4.3.C.1
Entertainment and Recreation (3.3.4.C)																					
General indoor recreation	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-	P	

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ARTICLE 3. USE PROVISIONS
USE PERMISSIONS

Use Category Specific Use	RESIDENTIAL								MIXED USE				INDUSTRIAL			INSTITUTIONAL & OPEN SPACE				Use Standard	
	RC	RD-A	RD-B	RD-C	RA	RM-A	RM-B	RM-C	RM-S	MX-3	MX-5	MX-7	MX-13	MX-U	IX	II	IH	CMP	INS		CEM
General outdoor recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P
General indoor entertainment	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-	-
General outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	-	-	C	C	-	3.4.3.D.1
Private recreation	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	-	-	P*	P*	-	3.4.3.D.2
Food and Beverage (3.3.4.D)																					
General food beverage																					
0-1,500 SF	-	C*	C*	C*	C*	P*	P*	P*	P*	P	P	P	P	P	P	P	-	-	-	-	3.4.3.A.1
1,501-3,000 SF	-	C*	C*	C*	C*	C*	C*	P*	C*	P	P	P	P	P	P	P	-	-	-	-	3.4.3.A.1
3,000+ SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	
Microbrewery, small distillery/winery	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	
Lodging (3.3.4.E)																					
General lodging	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Medical (3.3.4.F)																					
General medical																					
0-1,500 SF	-	C*	C*	C*	C*	P*	P*	P*	P*	P	P	P	P	P	P	P	-	P	P	-	3.4.3.A.1
1,501-3,000 SF	-	C*	C*	C*	C*	C*	C*	P*	C*	P	P	P	P	P	P	P	-	P	P	-	3.4.3.A.1
3,000+ SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-	
Hospital	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P	-	
Medical laboratory	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	
Office (3.3.4.G)																					
General office																					
0-1,500 SF	-	C*	C*	C*	C*	P*	P*	P*	P*	P	P	P	P	P	P	P	-	P	P	-	3.4.3.A.1
1,501-3,000 SF	-	C*	C*	C*	C*	C*	C*	P*	P*	P	P	P	P	P	P	P	-	P	P	-	3.4.3.A.1
3,000+ SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-	
Parking (3.3.4.H)																					
Surface parking lot	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	P	P	-	-	-	
Structured parking	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	

KEY: **P** Use Allowed By-Right | **C** Conditional Use Permit Required | * Use Standards apply | - Use Not allowed

Use Category Specific Use	RESIDENTIAL								MIXED USE				INDUSTRIAL			INSTITUTIONAL & OPEN SPACE				Use Standard	
	RC	RD-A	RD-B	RD-C	RA	RM-A	RM-B	RM-C	RM-S	MX-3	MX-5	MX-7	MX-13	MX-U	IX	II	IH	CMP	INS		CEM
Personal Service (3.3.4.I)																					
General personal service																					
0-1,500 SF	-	C*	C*	C*	C*	P*	P*	P*	P*	P	P	P	P	P	P	P	-	-	-	-	3.4.3.A.1
1,501-3,000 SF	-	C*	C*	C*	C*	C*	C*	P*	P*	P	P	P	P	P	P	P	-	-	-	-	3.4.3.A.1
3,000+ SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	
Animal care, outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	-	-	3.4.3.E.1
Retail (3.3.4.J)																					
General retail																					
0-1,500 SF	-	C*	C*	C*	C*	P*	P*	P*	P*	P	P	P	P	P	P	P	-	-	-	-	3.4.3.A.1
1,501-3,000 SF	-	C*	C*	C*	C*	C*	C*	P*	C*	P	P	P	P	P	P	P	-	-	-	-	3.4.3.A.1
3,000+ SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	
Personal loan and financial services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Tobacco/hemp store	-	-	-	-	-	-	-	-	-	C*	C*	C*	C*	C*	C*	C*	-	-	-	-	3.4.3.F.1
Vehicle Sales and Service (3.3.4.K)																					
Vehicle sales or rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	P*	P*	-	-	-	3.4.3.G.1
Vehicle service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	P*	P*	-	-	-	3.4.3.G.2
Vehicle repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	P*	P*	-	-	-	3.4.3.G.3
Vehicle fueling station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	
Vehicle washing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	
MANUFACTURING AND INDUSTRIAL USES																					
Industrial (3.3.5.A)																					
Low impact industrial																					
0-1,500 SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	
1,501-5,000 SF	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	
5,001-50,000 SF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
50,001+ SF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	
High impact industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	

KEY: **P** Use Allowed By-Right | **C** Conditional Use Permit Required | * Use Standards apply | - Use Not allowed

Use Category Specific Use	RESIDENTIAL								MIXED USE				INDUSTRIAL			INSTITUTIONAL & OPEN SPACE				Use Standard	
	RC	RD-A	RD-B	RD-C	RA	RM-A	RM-B	RM-C	RM-S	MX-3	MX-5	MX-7	MX-13	MX-U	IX	IL	IH	CMP	INS		CEM
Crematorium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-
Resource extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Transportation (3.3.5.B)																					
Transit stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Marine terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Passenger terminal	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P	-	-
Railroad right-of-way	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Warehouse and Distribution (3.3.5.C)																					
General warehouse and distribution																					
0-25,000 SF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
25,001-100,000 SF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
100,000+ SF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Data center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Self-service storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	-	-	-
Truck and freight transfer terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-
Vehicle storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-
Waste-Related (3.3.5.D)																					
General waste-related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Recycling or composting center, minor	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	P	P	C	C	-	-
ACCESSORY USES (3.5)																					
Accessory dwelling unit (ADU)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	P*	-	-	P*	P*	-	-
Alcohol sales																					
Between 7 AM and 11 PM	-	-	-	-	-	C	C	C	C	C	P	P	P	P	P	P	-	P	P	-	-
Between 11 PM and 7 AM	-	-	-	-	-	-	-	-	-	-	C*	C*	C*	C*	C*	C*	-	C*	C*	-	-
Automated teller machine (ATM)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P	-	-
Drive-through	-	-	-	-	-	-	-	-	-	C*	C*	C*	-	-	C*	P*	P*	C*	C*	-	-
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-

KEY: **P** Use Allowed By-Right | **C** Conditional Use Permit Required | * Use Standards apply | - Use Not allowed

ARTICLE 3. USE PROVISIONS
USE PERMISSIONS

Use Category Specific Use	RESIDENTIAL							MIXED USE					INDUSTRIAL			INSTITUTIONAL & OPEN SPACE				Use Standard	
	RC	RD-A	RD-B	RD-C	RA	RM-A	RM-B	RM-C	RM-S	MX-3	MX-5	MX-7	MX-13	MX-U	IX	IL	IH	CMP	INS		CEM
Farmers' market	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-
Home occupation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	3.5.2.G
Home-based business	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	3.5.2.H
Outdoor dining	-	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	P*	P*	3.5.2.I
Outdoor display	-	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	3.5.2.J
Outdoor entertainment stage	-	-	-	-	-	-	-	C	-	-	C	C	C	C	C	-	-	C	C	C	C
Outdoor storage, minor	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	3.5.2.K
Outdoor storage, major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	3.5.2.K
Raising or keeping of domestic animals	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	P*	P*	-	P*
Short-term rental	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-
Solar energy, small-scale	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.5.2.O
Wind energy, small-scale	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	3.5.2.P

KEY: **P** Use Allowed By-Right | **C** Conditional Use Permit Required | * Use Standards apply | - Use Not allowed

SEC. 3.3. **USE DEFINITIONS**

3.3.1. **Use Interpretations**

- A. Uses are organized by use category (such as Household Living or Group Living) and then by specific use within that category (such as Multi-Unit or Manufactured Home Park). Use categories are used to organize specific uses with similar attributes. Specific uses have permissions that determine if that use is allowed in a particular zoning district.
- B. When a proposed use is not listed, the Zoning Administrator has the responsibility for determining whether the proposed use is similar to an already listed specific use. Where a use contains a list of example uses, the uses on the list are to be considered examples, and not all-inclusive. The Zoning Administrator will first determine what use category the use is most similar to, and then determine the most similar specific use.
- C. When a proposed use is found by the Zoning Administrator not to be similar to an already listed specific use, the use is not allowed.
- D. When determining whether a proposed use is similar to a listed specific use, the Zoning Administrator considers the following criteria:
 - 1. Actual or projected characteristics of the use.
 - 2. Amount and nature of any nuisances generated by the use.
 - 3. Type, size, nature and arrangement of buildings and structures.
 - 4. Relative amount and types of sales.
 - 5. Relative number of employees and customers.
 - 6. Hours of operation.
 - 7. Number of vehicle trips generated, types of vehicles, and parking demand.
 - 8. Anticipated amount and type of outdoor storage.
 - 9. Likely impact on adjacent properties.
 - 10. Multiple principal uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot may be met.

USE DEFINITIONS

3.3.2. Residential Uses

A. Household Living

Residential occupancy of a dwelling unit by a household. Tenancy is arranged for 30 days or more. Household living is consolidated into the following specific uses:

1. Single-Unit Detached

One dwelling unit in a single detached building.

2. Single-Unit Attached

One dwelling unit in single building located on an individual lot that shares one or more common or abutting walls with one or more adjoining dwelling units. Each dwelling is located on its own legally subdivided lot. Units may be arranged side by side but cannot be stacked. Each unit must maintain independent structural support.

3. Two-Unit Detached

Two dwelling units in a single detached building. This type is commonly configured as a duplex with a shared wall between units.

4. Two-Unit Attached

Two dwelling units in a single building located an individual lot that shares one or more common or abutting walls with one or more adjoining dwelling units. Each building is located on its own legally subdivided lot. Units may be arranged side by side or stacked. Each building must maintain independent structural support.

5. Multi-Unit

For a residential building, 3 or more dwelling units in a single building is considered multi-unit living. For a building with a nonresidential use, any dwelling unit located within the building is considered multi-unit.

6. Mobile Home Park

A property on which are located or which is arranged or equipped for the accommodation of 2 or more manufactured homes with spaces for such available for rent or lease for periods of not less than one month.

7. Live-Work

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.

B. Group Living

Residential occupancy of a building by a group of people that exceeds the maximum number of people allowed in a single household. Tenancy is arranged for 30 days or more. Generally, group living facilities have a common eating area for residents and residents may receive care, training or treatment. Group living is consolidated into the following specific uses:

1. General Group Living

Group living uses that provide for a variety of group living arrangements. Typical examples include boarding house, dormitory, fraternity or sorority house, monastery or convent, and single-room-occupancy (SRO) housing, and sober living.

2. Co-Housing

Site or building where residents live in private homes or rooms clustered around shared indoor spaces, such as cooking facilities.

3. Senior Care

Senior living with in-patient nursing care, where residents can receive on-going care and supervision. Designed for older adults who may need health care supervision, but not hospitalization. Typical examples include convalescent, nursing, or rest home, and assisted living.

C. Special Needs Housing

Residential occupancy of a building or dwelling unit by more than one household by individuals with special needs, including those with physical disabilities, mental illness, substance abuse and addictions, people recently released from prison, people needing temporary accommodation due to domestic abuse or violence, as well as people experiencing homelessness. May also provide rehabilitation, social services, support, and treatment. Special needs housing is consolidated into the following specific uses:

1. Emergency Housing

Special needs housing that provides temporary overnight shelter, without a lease or occupancy agreement, to individuals or families experiencing homelessness. An emergency shelter provides sleeping accommodations, sanitary and hygiene facilities, continuous on-site supervision, and supportive services designed to assist residents in meeting their immediate needs and securing permanent housing. Supportive services may include medical, mental health, and substance use services; counseling and case management; employment and education assistance; and assistance obtaining food, housing, and public benefit.

2. Permanent Supportive Housing

Special needs housing that provides housing to individuals or families who lack, or have recently lacked, a fixed, regular, and adequate nighttime residence through a lease or occupancy agreement with no predetermined limit on the length of stay. Permanent supportive housing provides private or shared sleeping accommodations; individual or shared sanitary, hygiene, and waste disposal facilities; and access to on-site or off-site supportive services intended to promote housing stability, health, and self-sufficiency. Supportive services may include, but are not limited to, medical, mental health, and substance use treatment; counseling and case management;

USE DEFINITIONS

education, job training, and employment assistance; and assistance obtaining food, public benefits, and permanent housing opportunities.

3. Transitional Housing

Special needs housing that provides housing, through a lease or occupancy agreement, to individuals or families who have difficulty obtaining a fixed, regular, and adequate nighttime residence, generally for an intermediate period intended to facilitate the transition to permanent housing. Transitional housing provides private or shared sleeping accommodations; individual or shared sanitary, hygiene, and waste disposal facilities; and supportive services intended to improve health and welfare, including, but not limited to, medical, mental health, and substance use treatment; counseling and case management; education, job training, and employment assistance; and assistance obtaining food, housing, and public benefits.

3.3.3. Public and Institutional Uses**A. Civic**

Uses that provide ongoing governmental, life safety, educational, and cultural services to the general public, uses that provide meeting areas for religious practice. Civic is consolidated into the following specific uses:

1. General Civic

Civic uses that provide general governmental, life safety and cultural services. Typical examples include community center, courthouse, fire station, library, municipal or government office, museum, and post office.

2. Funeral Home

A civic use that provides funeral and memorial services for deceased persons, including the preparation and embalming of human remains, viewing and visitation, funeral or memorial ceremonies, administrative offices, and the sale of funeral-related merchandise. A funeral home includes crematory services but on-site cremation is not allowed.

3. Religious Assembly

A civic use that provides meeting areas for religious activities, including facilities operated by a religious group and used for educational activities. Typical examples include church, chapel, mosque, temple, and synagogue.

B. Day Care

Uses that provide care, protection and supervision of children or adults on a regular basis in a facility away from their primary residence, primarily during daytime hours, for less than 24 hours per day.

1. General Day Care

A day care use offered to 2 or more children or adults. A regularly operating service arrangement for children or adults where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection and well-being of the person

in care for less than a 24-hour period. Typical examples include adult day care, child care center, day nursery, nursery school, parent cooperative, preschool, play group, or drop-in center.

C. Education

Uses that provide educational services to students. Education is consolidated into the following specific uses:

1. General Education

Education uses that provide learning and teaching services to students. Typical examples include preschool, elementary, junior high, high school, charter school, and military/special training academy.

2. Business College or Trade School

An education use that offers technical or professional training, where the courses of instruction relate primarily to vocational and technical subjects. Typical examples include health and medical trade school, cosmetology school, criminal justice school, culinary school, computer and IT school, welding trade school, HVAC school, electrician and construction trade school, and automotive technician and diesel mechanic trade school.

3. College or University

An education use that provides post-secondary education to students. Typical examples include college or university, community college, and seminary.

D. Parks and Open Space

Uses that provide active or passive outdoor recreation. Typically, areas and facilities are publicly accessible and often contain recreational equipment or facilities. Parks and open space is consolidated into the following specific uses:

1. Public Open Space

A parks and open use owned by the City, County, State or Federal government. Includes non-profits and conservation-related organizations that are open to the public. May include passive or active spaces. Typical examples include botanical garden, conservation area, dog park, skate park, playfield, playground, playlot, ballfield, soccer field, basketball court, swimming pool, splash pad, tennis court, golf course, recreational trail, greenway, multi-use path, plaza, square, and green.

2. Private Open Space

A parks and open use held in private ownership, not owned or operated by the City, County, State or Federal government.

3. Cemetery

A parks and open use that provides for the interment of human or animal remains, but does not include cremation services. Typical examples include a cemetery for earth interments, a columbarium for cinerary interments, or a mausoleum for vault interments.

USE DEFINITIONS**E. Utility**

Uses that generate and distribute utility services such as electricity, gas, sewer, water, cable and internet. Utility is consolidated into the following specific uses:

1. Minor Utility

Utility service uses that generally serve the immediate area in which they are located. They typically do not have on-site employees. Services may be public or privately provided. Typical examples include small facilities such as transformers, relay and booster devices; well water and sewer pump stations; stormwater retention and detention facilities; and telephone exchanges.

2. Major Utility

Utility service uses that generally provides services of a regional nature that normally entail the construction of new buildings or structures. Typical examples include power generating plants and sources, electrical switching facilities, water and wastewater treatment plants, windy energy, solar farms, and water towers.

3. Electric Substation

A facility, site, or structure used to convert, transform, regulate, or switch electrical energy between voltage levels as part of the electrical transmission or distribution system. An electric substation typically includes transformers, circuit breakers, switchgear, control buildings, energy storage equipment, and associated security fencing or screening. Electric substations may involve either overhead or underground transmission or distribution lines but do not include power generation facilities.

4. Wireless Communications Facility

See 3.7.

3.3.4. Commercial Uses**A. Adult Business**

Adult entertainment establishment, adult book store, adult motion picture theater and massage parlor.

B. Agriculture

Uses dedicated to the growing and harvesting of food crops and/or non-food crops, such as flowers and ornamental plants, for use on-site or for sale or distribution off-site or on-site. Agriculture is consolidated into the following specific uses:

1. Greenhouse, Nursery

An agriculture use, often a building or enclosed area, where plants are grown, propagated, and raised for later transplanting or sale, often utilizing greenhouses or other controlled environments to optimize growing conditions.

2. Indoor Growing System

An agriculture use for the cultivation of plants, fish, seafood, and insects. These systems may include, but are not limited to: aquaculture; aquaponics; hydroponics; entomoculture (insects) and vertical farming.

3. Urban Garden

An agriculture use used to grow and harvest food or non-food crops for personal or group use. An urban garden may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively.

C. Entertainment and Recreation

Uses that provide continuous or periodic entertainment or recreational activity. Entertainment and recreation is consolidated into the following specific uses:

1. General Indoor Recreation

Entertainment and recreation uses that offer active recreational activity or games of skill primarily in an indoor setting. Typical examples include but are not limited to arcade, axe throwing, bicycle, skateboarding, or roller-blading facility, bowling alley, escape room, go-cart track, indoor soccer or indoor sporting activity, indoor paintball, ice- or roller-skating rink, mini-golf, inflatable playground/jump house, pool hall, pickleball court, golf dome, and velodrome.

2. General Outdoor Recreation

Entertainment and recreation uses that offer active recreational activity or games of skill primarily in an outdoor setting. Typical examples include but are not limited to amusement park, archery, baseball/softball/soccer or other athletic complex that includes outdoor playing or activity areas, bicycle, skateboarding, or roller-blading facility, horse stable, riding academy, or equestrian center, ice-skating rink, golf course, driving range, swimming pool, pickleball court, motorized go-cart track/dirt bikes/all terrain vehicles (ATVs), and water park.

3. General Indoor Entertainment

Entertainment and recreation uses in an indoor setting, such as live performances or shows, sporting events and concerts. Typical examples include arena, assembly hall, auditorium, concert hall, theater, meeting facility, club, lodge, convention center, and stadium

4. General Outdoor Entertainment

Entertainment and recreation uses in an outdoor setting, such as live performances or shows, sporting events and concerts. Typical examples include amphitheater, drive-in theater, and outdoor stadium (including buildings with retractable roofs).

5. Private Recreation

Private noncommercial parks, recreational facilities, country clubs, swimming pools, athletic fields, community centers, operated by associations or organizations not organized for profit, the exclusive use of which is limited to members of the associations or organizations and their guests are allowed.

USE DEFINITIONS**D. Food and Beverage**

Uses that prepare and sell food and beverages. Food and beverage is consolidated into the following specific uses:

1. General Food and Beverage

Food and beverage uses that prepare and sell food or beverage. Typical examples include restaurant, cafe, coffee or tea shop, ice cream or yogurt shop, juice or smoothie bar, bakery shop, bake shop, cake shop, cat cafe, catering facility, and commercial kitchen. Does not include an establishment primarily devoted to the serving of alcoholic beverages by the drink and in which the service of food is only incidental to the consumption of alcoholic beverages.

2. Microbrewery

A food and beverage use that produces less than 30,000 barrels per year of beer, and sells directly to the consumer on-site within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.

3. Small Distillery/Winery

A food and beverage use produces less than 50,000 gallons of spirits or wine a year and sells directly to the consumer on-site within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.

E. Lodging

Uses with individual sleeping or living units that provide overnight accommodations to guests for short-term stays of less than 30 days. Lodging is consolidated into the following specific uses:

1. General Lodging

Lodging uses that provide a variety short-term stay facilities. Typical examples include hotel, motel, inn, bed and breakfast, hostel, and extended stay facility.

F. Medical

Uses that provide medical, surgical or dental care to patients such as the diagnosis, treatment, mitigation, cure or prevention of disease. Medical is consolidated into the following specific uses:

1. General Medical

Medical uses that administer human health care in a non-hospital, outpatient setting. Typical examples include acute care, blood plasma donation center, birthing center, chiropractor, dentist, emergency medical office, hospice, kidney dialysis, licensed massage therapist, medical or dental clinic, optician, optometrist, orthodontist, physical therapist, psychiatrist, psychologist other mental health practitioner, surgical out-patient facility, therapeutic massage, and urgent care.

2. Hospital

A medical use that administers primarily in-patient, intensive, human medical or surgical care, including stand-alone emergency care services, includes a skilled nursing facility.

3. Medical Laboratory

A medical use conducting medical research or testing and examining of materials derived from the human body, such as fluid, tissue or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure or prevention of disease.

G. Office

Uses characterized by activities conducted in a private or co-working setting and generally focusing on business, professional or financial services. Office is consolidated into the following specific uses

1. General Office

Office uses that provide space for a variety of business, professional or financial services to be conducted. Also includes research and development of new products or for scientific research intended for manufacture, production or sale of products elsewhere and includes extensive areas of laboratory space, testing facilities, or product development space more similar to a manufacturing space. Typical examples include offices for accounting, advertising, architecture, auditing, bookkeeping, banking, bookkeeping, consulting, counseling, design, employment, engineering, graphic design, insurance, investment, landscape architecture, law, real estate, security or technology services, web design, call center, charitable institution (not providing housing or shelter), financial services center, governmental service agency, radio and television station, recording studio, co-working.

H. Parking

Uses that provide parking as a principal use. Parking is consolidated into the following specific uses:

1. Surface Parking Lot

A parking use that provides parking as a principal use on a surface lot.

2. Structured Parking

A parking use that provides parking as a principal use in building or structure of 2 or more floors.

I. Personal Service

Uses involved in providing personal care or repair services. Personal service is consolidated into the following specific uses:

1. General Personal Service

Personal service uses that provide personal care or repair services. Typical examples include; beauty, hair, tanning or nail salon; computer repair; culinary, dance, martial arts, music, or photography studio or classroom; copy center, printing, binding, lithographing, photocopying, blueprinting, mailing service, package shipping, day/health spa; laundry cleaning, pressing, and dry cleaning drop-off, laundromat; indoor animal care (animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding and doggy day care); tailor and garment repair; gym, fitness/pilates/yoga studio, climbing gym; locksmith; body art facility (tattoos/body piercing), shoe repair; watch repair; jewelry repair; eyeglasses and hearing aid repair, and smartphone repair.

USE DEFINITIONS**2. Animal Care, Outdoor**

A personal service use that provides for the care of animals primarily in an outdoor setting. Typical examples include a kennel, and animal boarding with outdoor kennels.

J. Retail

Uses involved in the sale, lease or rent of new or used products. Retail is consolidated into the following specific uses:

1. General Retail

Retail uses involved in the sale, lease or rent of new or used products. Typical examples include antiques, appliances, art supplies, art gallery, bike (and repair), books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, electronics, fabric, flowers, furniture, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, pets, pet supplies, phones, pharmaceuticals, plants, pottery, produce, seafood, shoes, signs, souvenirs, sporting goods, stationery, toys, new vehicle parts and accessories and video games.

2. Personal Loan and Financial Services

Any private, for-profit entity offering loans using car titles, paychecks, or other such assets as collateral, including "payday lenders" as defined by *Code of Virginia*, § 6.2-1800, "motor vehicle title loans" as defined by *Code of Virginia*, § 6.2-2200, and "pawnbrokers" as defined by *Code of Virginia*, § 54.1-4000."

3. Tobacco/Hemp Store

Any use of a building or premises that involves the sale, offering, or distribution of either or both of the following materials: (i) electronic smoking devices or retail tobacco products as such terms are defined in § 18.2-371.2 *Code of Virginia*, (ii) hemp products or hemp products intended for smoking as such terms are defined in § 3.2-4112 *Code of Virginia*, where one or more of the following apply:

- a. 10% or more of the usable floor area is dedicated to the sale, offering, or distribution of such materials;
- b. 10% or more of the total area used to display merchandise, or 10% or more of the total area used to otherwise promote merchandise, is dedicated to the sale, offering, or distribution of such materials;
- c. 10% or more of the total permitted sign area on the lot refers to such materials;
- d. 10% or more of inventory is comprised of such materials; or
- e. In any one month, 10% or more of gross revenue is derived from the sale, offering, or distribution of such materials.

K. Vehicle Sales and Service

Uses that sell, rent, lease, service or repair motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, and heavy equipment. Vehicle sales and service is consolidated into the following specific uses:

1. Vehicle Sales or Rental

A vehicle sales and service use that sells, rents or leases vehicles. Typical examples include the rental or sales of motor vehicles, heavy equipment, recreational vehicles, trailers and trucks.

2. Vehicle Service

A vehicle sales and service use where limited repair is conducted on vehicles – work is typically done that day and vehicles are not left overnight. Typical examples include heating and air condition repair, alignment, auto detailing, audio and alarm installation, brakes and exhaust services, batteries, new tires, emissions testing, oil and lube, minor scratch and dent repair, bed-liner installation, glass/windshield repair or replacement, suspensions, vehicle tinting, and vehicle inspections.

3. Vehicle Repair

A vehicle sales and service use where substantial repair is conducted on vehicles. Work is typically done over a several day period and vehicles are often left overnight. Typical examples including transmission and engine repair, and body repair and paint shops.

4. Vehicle Fueling Station

A vehicle sales and service use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, electricity, and other alternative fuels.

5. Vehicle Washing

A vehicle sales and service use that cleans, washes, waxes, or details the exterior or interior of motor vehicles using automated, self-service, or manual equipment. This use may include vacuum stations and incidental retail sales related to vehicle cleaning but does not include vehicle repair, painting, body work, oil changes, or other vehicle maintenance services.

3.3.5. Manufacturing and Industrial Uses

A. Industrial

Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Industrial is consolidated into the following specific uses:

1. Low-Impact Industrial

- a. Industrial uses where some or all of the following characteristics are present or anticipated:
 - I. Majority of manufacturing or industrial activity takes place indoors;

USE DEFINITIONS

- II. No significant heat, noise, sounds, vibrations, odors or particulates detectable off premises;
 - III. No significant use of dangerous or harmful chemicals;
 - IV. No significant use of highly combustible or flammable materials, liquids, or gases;
 - V. No use of hazardous or explosive materials; and
 - VI. Limited or no outdoor storage.
- b. Typical examples include manufacturing, processing, fabrication, packaging or assembly of prefabricated parts, consumer electronics, jewelry, computers, optical devices or instruments, medical or surgical instruments, food and beverage products, coffee roasting, cosmetics, clothing or shoes, printed or photographic materials, signs, small automotive parts; welding shop, woodworking, cabinet makers or furniture manufacturing; metal fabrication, custom decorative shops; renewable energy equipment; exterminators; manufacturing, and brewery, winery or distillery, includes artisan production of wholesale goods; glass blowing, handcrafted small batch products.

2. High-Impact Industrial

- a. Industrial uses where some or all of the following characteristics are present or anticipated:
- I. Significant manufacturing or industrial activity takes place outdoors;
 - II. Significant heat, noise, sounds, vibrations, odors or particulates detectable off premises;
 - III. Significant use of dangerous or harmful chemicals;
 - IV. Significant use of highly combustible or flammable materials, liquids, or gases;
 - V. Use of hazardous or explosive materials; and
 - VI. Outdoor storage.
- b. Typical examples include lumber mill or wood product manufacturing; production of rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products; concrete batching or asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacturing and assembly of machinery, equipment, instruments, vehicles, appliances or electronics; dipping or refinishing of furniture; fuel oil distributor; and solid fuel yard.

3. Crematorium

An industrial use where the bodies of the dead are cremated, including pets.

4. Resource Extraction

An industrial use for the extraction of minerals, including solids, such as coal and ores; liquids, such as crude and petroleum; and gases, such as natural gas. Typical examples dredging, earth extraction, sand or gravel, borrow pit, metal, sand stone, gravel clay, mining and other related processing, and stockpiling of sand, gravel, or other aggregate materials.

B. Transportation

Uses that facilitate the boarding, loading, arrival or departure of passengers for a variety of mobility and transportation options including trains, buses, cars and helicopters. Transportation is consolidated into the following specific uses:

1. Transit Stop

A transportation use where public transportation vehicles, like buses, trains, or light rail, stop to allow passengers to board and alight.

2. Marine Terminal

A transportation use where cargo is loaded, unloaded, stored, and transferred between boats and other modes of transportation, like trucks and trains.

3. Passenger Terminal

A transportation use for the pickup, drop off and interchange of passengers. Typical examples include bus terminals, multi-modal facility, rail stations, and passenger related mass transit facilities.

4. Railroad Right-of-Way

The full width of property owned, leased, or subject to easement for railroad track purposes, and does not include storage tracks, yards, or buildings.

C. Warehouse and Distribution

Uses involved in the storage or movement of goods for themselves or other entities. Goods are generally delivered to other firms or the final consumer. There is little or no on-site sales activity with customers present. Warehouse and distribution is consolidated into the following specific uses:

1. General Warehouse and Distribution

Warehouse and distribution uses involved in the storage, wholesale, or movement of goods for themselves or other entities. Typical examples include beer distribution, newspaper distribution, parcel and delivery service, distribution center, fulfillment center, cold storage plant, household moving and general freight storage and warehouse. Does not include bulk storage of hazardous materials, or scrap or salvage operations. If a warehouse and distribution use is ancillary to another principal use, and has a floor area of less than 10,000 square feet, it is considered an accessory use.

2. Data Center

A warehouse and distribution use primarily for the storage, management, processing, and transmission of digital data, housing computer and network equipment, systems, servers, appliances and other associated components related to digital data operations. May also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

USE DEFINITIONS**3. Self-Service Storage**

A warehouse and distribution use that offers secure self-storage for household goods in individual rooms, compartments, lockers, or containers, where clients bring goods for storage and retrieve them at any time during normal business hours.

4. Truck and Freight Transfer Terminal

A warehouse and distribution use for receipt, transfer, short term storage and dispatching of goods for distribution. Does not include long-term warehousing and goods do not undergo any manufacturing processes. Typical examples include containerized freight yard, inter-modal freight terminal, switching yard, trucking terminal, and shipping container storage yard.

5. Vehicle Storage Yard

A warehouse and distribution use that provides storage for operable vehicles without occupants for more than 24 hours. Typical examples include towing service; taxicab, bus charter or limousine storage lot; school bus lot; recreational vehicle, trailer and boat storage; and impound lot.

D. Waste-Related

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary waste, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related is consolidated into the following specific uses:

1. General Waste-Related

Waste-related uses that receive nonhazardous solid or liquid wastes from others for disposal on the site or for transfer to another location. Typical examples solid waste disposal, landfill, transfer station, scrapyard, junk or salvage yard, scrap-metal processing, recycling facility including recyclable material storage, construction material recycling, large-scale composting or generation of energy from the composting of organic material.

2. Recycling or Composting Center, Minor

Recycling or compost-treating operation, up to 4,000 square feet of gross floor area, conducted completely indoors or involving outdoor operations with materials stored in containers located entirely in a fenced yard.

SEC. 3.4. **SPECIFIC USE STANDARDS**

3.4.1. **Residential Uses**

A. General

1. Two Principal Units in RA

- a. In the RA District, both dwelling units must be located within a single principal structure on the lot.
- b. A second structure on the lot containing a second principal dwelling is not allowed.
- c. A detached accessory dwelling unit may be allowed - see **3.5.2.A**.

2. Residential Uses in the CMP and INS Districts

Residential uses in a CMP or INS district must meet the RM-C district standards, see **2.2.9**.

B. Household Living

1. Live-Work

a. Applicability

A live-work unit must contain both:

- I. A dwelling unit that meets applicable residential standards; and
- II. A workspace used for business, professional, creative, or light production activities.

b. Occupancy

- I. At least 1 person engaged in the live-work unit must reside in the dwelling in which the live-work business is located as their primary place of residence.
- II. The residential occupant of the unit must also be the primary operator of the business.
- III. Live-work units must meet applicable building code standards for mixed use or live-work occupancy.
- IV. Units involving fabrication or light production may require additional ventilation or fire suppression measures.

c. Allowed Workspace Activities

The nonresidential activity is limited to the following uses:

- I. General food and beverage.
- II. General medical.
- III. General office.
- IV. General personal service.

- V. General retail.
- VI. Light fabrication, artisan manufacturing, repair, or assembly uses may be allowed if fully contained within the building.

d. Size and Intensity

- I. The workspace and residential areas must be internally connected.
- II. A live-work unit cannot exceed 1,500 square feet in floor area.
- III. Outdoor seating is allowed in front or side street yards, but the outdoor seating area counts towards the maximum floor area size restriction of the zoning district - see also *3.5.2.I. Outdoor Dining*.
- IV. Outdoor sales or display are not allowed except for temporary displays not exceeding 25 square feet in area - see also *3.5.2.J. Outdoor Display*.
- V. Outdoor storage is not allowed, all business activity must occur indoors.

e. Hours of Operation

- I. Customer or clients associated may visit between 8 AM and 8 PM.
- II. Extended hours may be approved through a Conditional Use Permit.

f. Operational Standards

- I. Ventilation systems must direct exhaust away from adjacent dwellings.
- II. Deliveries must occur between 8 AM and 8 PM.
- III. No amplified sound outdoors are allowed.
- IV. No equipment or process can be used in connection with the live-work activity that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
- V. No drive-through service is allowed.

C. Special Needs Housing

1. Intent

The purpose of this Section is to establish a process for review and approval of emergency, transitional, and permanent supportive housing uses in order to reduce the number of individuals and families in the City experiencing homelessness or obtaining affordable housing.

2. Housing Types

The following housing types are subject to these provisions:

- a. Emergency housing, provided through:
 - I. A building, or portion of a building;

- II. An assemblage of 2 or more tiny home units;
- b. Transitional housing, provided through:
 - I. A building, or portion of a building; or
 - II. An assemblage of 2 or more tiny home units.
- c. Permanent supportive housing, provided through:
 - I. A building, or portion of a building; or
 - II. An assemblage of 2 or more tiny home units.
- d. A single property may contain a combination of emergency housing, transitional housing, and permanent supportive housing uses so long as they are under common ownership and comply with the rest of the provisions of this Zoning Code.

3. Location

- a. A property with an emergency housing, transitional housing, or permanent supportive housing use must be located no more than 2,640 feet from a public transit stop.
- b. A property with an emergency housing use must be located no less than 1,320 feet from any other property with an emergency housing use within an RC, RD-, RA, or RM- district.
- c. A property providing an emergency housing, transitional housing, or permanent supportive housing use is subject to all other provisions of the zoning district.

4. Capacity

The maximum number of individuals residing in emergency housing, transitional housing, or permanent supportive housing on a property must at all times be in compliance with all applicable provisions of building, fire, health, and zoning codes.

5. Emergency Contact

The owner, tenant, or operator of any emergency housing, transitional housing, or permanent supportive housing use must provide the Zoning Administrator with a phone number for an individual who can be reached 24 hours a day in the event of an emergency.

6. Approvals

- a. Prior to the establishment of an emergency housing, transitional housing, or permanent supportive housing use, whether principal or accessory, the owner, tenant, or operator of the building, structure, or premises must obtain a Certificate of Zoning Compliance in accordance with the conditions specified in this Section and in **6.2.7**.
- b. Within 7 days of receipt of the materials described in **3.4.1.C.6.D** for a Certificate of Zoning Compliance for an emergency housing, a transitional housing, or a permanent supportive housing use, the Zoning Administrator must provide written notice of the application to:
 - I. All owners of real property within 150 feet of the applicant's property;

SPECIFIC USE STANDARDS

- II. The Council member representing the district in which the applicant's property is located; and
 - III. At least one civic or neighborhood association established in accordance with applicable law that advocates for the district or area in which the applicant's property is located and of which the Zoning Administrator has actual knowledge.
- c. A Certificate of Zoning Compliance for an emergency housing use is valid for 1 year. If a property owner with a valid Certificate of Zoning Compliance for emergency housing seeks to continue the use for 1 additional year, the property owner must submit all documentation to the City, as specified in this Section, no later than 60 days prior to the date of expiration of the Certificate of Zoning Compliance to ensure timely issuance of a new Certificate of Zoning Compliance, provided property owner satisfies all other conditions for the issuance.
- d. Issuance of a Certificate of Zoning Compliance for an emergency housing, transitional housing, permanent supportive housing, or social service delivery use is subject to
- I. Approval by the Planning Director of a site plan, in accordance with 6.2.2, in the event building permits are needed to engage in such use: and
 - II. Submittal to the Zoning Administrator of a filing that must include, at minimum, the location and description of the following, including an operations information statement as described below:
 - a). The parcel and all buildings and structures thereon, both permanent and temporary;
 - b). Access control points and any fencing and screening for the parcel and all buildings and structures;
 - c). The use and occupancy of each room or space inside a building or structure, including accommodations for sleeping, accommodations for sanitary health and hygiene (e.g. sinks, toilets, latrines, showers, or washing stations); and accommodations for food preparation;
 - d). The size of emergency ingress points, egress points, and evacuation routes;
 - e). Smoke alarms, carbon monoxide alarms, and fire extinguishers; and
 - f). An operations information statement that must include, at minimum, the following:
 - i. The name of the operating entity, its articles of incorporation or similar organizational document and its bylaws, if any, and a statement of the operating entity's experience providing emergency housing, transitional housing, permanent supportive housing, or social service delivery;
 - ii. Anticipated dates, days, and hours of operation;
 - iii. Maximum intended number of overnight occupants, which must at all times be in compliance with all applicable provisions of building, fire, health, and zoning codes;
 - iv. List of requirements for admission of occupants;

- v. Description of each staff position, qualifications necessary for each position, and a statement of the anticipated number of staff serving in such positions;
- vi. Statement of intention, or not, to provide occupants meals, minor medical care, job counseling, substance abuse counseling, and services to help occupants transition to more permanent housing, and if so, whether provision of each will be on- or off-site; and
- vii. Statement of intention, or not, to participate in the Greater Richmond Continuum of Care coordinated entry system.

3.4.2. Public and Institutional Uses

A. Utility

1. Wireless Communications Facility

See 3.7.

3.4.3. Commercial Uses

A. General

1. Commercial Activity in Residential Districts

a. Size and Intensity

- I. Cannot exceed the maximum floor area specified for the zoning district in the use table and at least 50% of the floor area must be located on the ground floor.
- II. Must be located on a corner lot.
- III. Outdoor seating is allowed in front or side street yards, but the outdoor seating area counts towards the maximum floor area size restriction of the zoning district -see also *3.5.2.I. Outdoor Dining*.
- IV. Outdoor sales or display are not allowed except for temporary displays not exceeding 25 square feet in area - see also *3.5.2.J. Outdoor Display*.
- V. Outdoor storage is not allowed.

b. Hours of Operation

- I. Customer or clients associated may visit between 8 AM and 8 PM.
- II. Extended hours may be approved through a Conditional Use Permit.

c. Operational Standards

- I. Ventilation systems must direct exhaust away from adjacent dwellings.
- II. Deliveries must occur between 8 AM and 8 PM.
- III. No amplified sound outdoors are allowed.

- IV. No equipment or process can be used in connection with the commercial activity that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
- V. No drive-through service allowed.

B. Adult Business

Cannot be located within 1,000 feet of:

- 1. Any property in an RC, RD-, RA or RM- district; and
- 2. Any property containing a residential use, day care use; general education use; public open space; library; or place of worship; and
- 3. Any other property containing another adult business use.

C. Agriculture

1. Urban Garden

- a. Activities and operations must be conducted between 8 AM and 8 PM.
- b. Mechanized equipment similar in scale to that designed for household use must be used.
- c. Use of larger mechanized equipment is not allowed; provided, however, that during the initial preparation of the land, heavy equipment can be used.
- d. The on-site sale of food crops or non-food ornamental crops grown on-site is allowed.

D. Entertainment and Recreation

1. General Outdoor Entertainment

Cannot be located within 500 feet of any property in an RC, RD-, RA, or RM- district.

2. Private Recreation

- a. Must be located on a lot no less than 20,000 square feet in area.
- b. Portions of the premises devoted to outdoor activities must be screened with a Light Transition Screen (see 4.4.2.C) along common lot lines shared with property in RC, RD-, RA, or RM- district.
- c. No building can be located within 50 feet of an adjoining lot in an RC, RD-, RA, or RM- district.
- d. Swimming pools and adjoining deck areas must be completely enclosed with a fence or wall not less than 4 feet in height, and no swimming pool or adjoining deck area can be located within 50 feet of an adjoining lot in an RC, RD-, RA, or RM- district.

E. Personal Service

1. Animal Care (Outdoor)

a. Location and Separation

- I. Outdoor animal activity areas, including runs, yards, kennels, and play areas, must be located:
 - a). A minimum of 50 feet from an RC, RD- RA, or RM- district; or
 - b). A minimum of 25 feet from any lot containing a residential dwelling unit, whichever is greater.
- II. Outdoor animal activity areas must be at least 100 feet from any property containing a residential use, day care use; general education use; public open space; library; or place of worship.
- III. Outdoor animal activity areas are not allowed in the front setback unless fully screened by buildings or an opaque wall.

b. Screening and Enclosures

- I. Outdoor activity areas must be enclosed by a secure fence at least 6 feet in height.
- II. Outdoor activity areas must be screened with a Moderate Transition Screen (see 4.4.2.C) along common lot lines and a Moderate Frontage Screen-1 (see 4.4.3.D) along street lot lines.

c. Noise and Hours of Operation

- I. Outdoor animal activity is limited to 8 AM to 8 PM, unless located more than 200 feet from any residence or conducted inside a sound-attenuated structure.
- II. The use must comply with all applicable noise performance standards.
- III. Prolonged barking or other disruptive noise must be actively managed through staffing, training practices, and operational protocols.

F. Retail

1. Tobacco/Hemp Store

- a. Cannot be located within 1,000 feet of:
 - I. Any property in an RC, RD- RA, or RM- district; and
 - II. Any property containing a day care use; general education use; public open space; library; or place of worship; and
 - III. Any other property containing a tobacco/hemp store.
- b. Any sale, offering, or distribution of electronic smoking devices or retail tobacco products as such terms are defined in § 18.2-371.2 *Code of Virginia*, or of hemp products or hemp

products intended for smoking as such terms are defined in § 3.2-4112 *Code of Virginia*, must only take place within the interior of a building or structure.

- c. Activities and operations must be conducted between 9 AM and 9 PM.

G. Vehicle Sales and Service

1. Vehicle Sales or Rental

- a. Vehicle displays cannot be artificially elevated above the general topography of the site.
- b. No outside speaker system is allowed.

2. Vehicle Service

- a. The outdoor overnight storage of vehicles may be allowed in accordance with 3.5.2.K. *Outdoor Storage*. Operable vehicles may be parked on-site during business hours.
- b. There can be no dismantling of vehicles for salvage.
- c. The storage of impounded vehicles is not allowed.
- d. No outside speaker system is allowed.

3. Vehicle Repair

- a. The outdoor overnight storage of vehicles may be allowed in accordance with 3.5.2.K. *Outdoor Storage*. Operable vehicles may be parked on-site during business hours.
- b. There can be no dismantling of vehicles for salvage.
- c. The storage of impounded vehicles is not allowed.
- d. No outside speaker system is allowed.

3.4.4. Manufacturing and Industrial Uses

A. Warehouse and Distribution

1. Self-Service Storage

In IX, a self-storage facility is subject to the following limitations:

- a. All storage must be contained within a fully-enclosed building.
- b. All storage units must be contained in a single building and accessed internally. Storage units are not allowed on the ground floor. The outdoor storage of boats, RVs or similar vehicles is not allowed.

SEC. 3.5. **ACCESSORY USES AND STRUCTURES**

3.5.1. **General Standards**

A. Allowed Accessory Uses and Structures

The use table in **3.2.2. Allowed Use Table** establishes the allowed accessory uses and structures by district. Multiple accessory uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot are met.

B. Accessory Uses and Structures Not Listed

An accessory use or structure not specifically listed in **3.2.2** is not allowed unless the Zoning Administrator determines the use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent and purpose to the principal use served; and
4. Is located on the same lot as the principal use served.

C. Rules for All Accessory Uses and Structures

1. An accessory structure is only allowed in a side street, side or rear yards. An accessory building or structure may only be located in a front yard if located 100 feet or greater from the nearest primary street lot line.
2. Unless otherwise stated below, an accessory structure must comply with the dimensional requirements of the zoning district it is in.
3. In an RC or RD- district, an accessory structure not exceeding 12 feet in height may be located within a rear setback, but not an alley setback. In an RA or RM- district, an accessory structure not exceeding 12 feet in height may be located within a side setback, rear setback, and/or alley setback.
4. No building accessory to a single-unit or two-unit dwelling may exceed 20 feet in height or be taller than the primary building. The building area of all accessory buildings on any lot devoted to a single-unit or two-unit dwelling may not exceed the building area of the primary building on the lot.
5. 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.
6. No accessory use or structure is allowed on the lot until after the principal use or structure is approved unless specifically allowed under **2.6.2.A.3**.

3.5.2. Specific Standards

A. Accessory Dwelling Unit (ADU)

An additional small dwelling unit on a lot that is detached, attached or internal to the principal structure.

1. Only one accessory dwelling unit is allowed on a lot.
2. An accessory dwelling unit cannot exceed a floor area of 1,200 square feet, or the floor area of the accessory dwelling unit cannot exceed the floor area of the primary building.
3. A detached accessory dwelling unit cannot exceed the height listed in **3.5.1.C.4**.
4. In an RA District, a detached accessory dwelling unit is only allowed if there is only one principal dwelling unit on the lot - see **3.4.1.A.1**.

B. Alcohol Sales

The sale of alcoholic beverages for on- or off-premise consumption as an accessory use to a permitted principal commercial use.

1. Alcohol Service Between 11 PM and 7 AM

A management program must 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 this section. If a particular element listed is not applicable to a specific use because of the characteristics of that use, the management program will 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 use, including the following:
 - I. Staffing levels;
 - II. Hours of operation, and days of the week on which the use will be operated;
 - III. Type of Virginia Alcoholic Beverage Control license and related restrictions;
 - IV. 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 will be posted on the premises in a prominent location viewable by the patrons;
 - V. Total occupant load; and,
 - VI. General type, frequency and hours of entertainment to be provided; and
- b. Provisions for security and crowd management, including the following:
 - I. Provisions for a level of security and crowd management sufficient to comply with the requirements of *Chapter 6, Article V of the City Code*, whether or not the use is required to obtain a public dance hall permit;
 - II. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and

- III. A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses.

C. Automated Teller Machine

A computerized electronic machine that performs basic banking functions such as handling deposits, transferring funds or issuing cash withdrawals; also known as an ATM.

D. Drive-Through

Accessory drive-through service for an allowed principal commercial use. A drive-through provides service directly to automobiles where the customer drives up to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

1. A drive-through must meet the requirements of *4.3.4. Vehicle Use Areas*.
2. A dining room or walk-up window must also be provided with any drive-through facility and must be available to customers at all times the drive-through is operating.
3. In MX-5, a drive-through must meet the following additional limitations:
 - a. Only a single drive-through lane is allowed.
 - b. The drive-through lanes including stacking spaces cannot be located between a street and the building.

E. Family Day Care Home

A licensed day care as an accessory use in a dwelling unit where at least 5 but fewer than 13 children under the age of 13 receive for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children that are part of the household.

F. Farmers' Market

A non-municipality-owned or -operated area, with or without temporary structures, where vendors and individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale, sell vegetables or produce, flowers, orchard products, locally-produced packaged food products and/or animal agricultural products.

G. Home Occupation

Limited nonresidential activity in a dwelling unit.

1. General

- a. At least 1 person engaged in the home occupation must live in the dwelling unit.
- b. No more than 1 vehicle used in association with the home occupation may be parked on-site at any one time. No vehicle with a gross vehicle weight over 10,000 pounds, associated with the home occupation, can be stored on the site.
- c. Truck deliveries or pick-ups of supplies or products associated with the home occupation are allowed only between 8 AM and 8 PM. Deliveries and pickups are limited to parcel and small freight carriers.

ACCESSORY USES AND STRUCTURES**2. Exterior Appearance**

- a. All activities associated with the home occupation must be conducted indoors. No outdoor storage or outdoor display is allowed.
- b. A home occupation is allowed in an accessory structure on the lot.
- c. The home occupation must operate so as not to create or cause a nuisance or subject neighbors to adverse operational or land use impacts (such as excessive noise or traffic or public safety hazards) that are not typical of the neighborhood.
- d. Interior display of goods or equipment associated with the home occupation must not be visible from the street.
- e. No equipment or process can be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

3. Allowed Uses

The nonresidential use in the dwelling unit is limited to:

- a. General food and beverage limited to catering and cooking classes only.
- b. General office.
- c. General personal service, limited to:
 - I. Individual academic, music or art instruction;
 - II. Dance, martial arts, music, or photography studio or classroom;
 - III. Gym, fitness/pilates/yoga studio;
 - IV. Beauty, hair and nail salon.
- d. General retail limited to web-based orders only. The operation of any retail or wholesaling business, or the direct sale or rental of products or services, are not allowed. Pick up of web-based orders is allowed.

4. Employees and Customers

- a. One nonresident person employed in the home occupation is allowed on-site at any given time.
- b. Two customers or clients visiting the home occupation are allowed on-site at any given time.
- c. Customer or clients associated with the home occupation may visit between 8 AM and 8 PM.
- d. A maximum of 6 customers or clients may visit the home occupation in a 24-hour period.

H. Home-Based Business

Nonresidential activity in a dwelling unit beyond what is allowed as a home occupation.

1. General

- a. A maximum of 1 home-based business is allowed per dwelling unit.
- b. At least 1 person engaged in the home occupation must live in the dwelling unit.
- c. No more than 1 vehicle used in association with the home occupation may be parked on-site at any one time. No vehicle with a gross vehicle weight over 10,000 pounds, associated with the home occupation, may be stored on the site.
- d. Truck deliveries or pick-ups of supplies or products associated with the home occupation are allowed only between 8 AM and 8 PM. Deliveries and pickups are limited to parcel and small freight carriers.

2. Exterior Appearance

- a. All activities associated with the home occupation must be conducted indoors. No outdoor storage or outdoor display is allowed.
- b. A home-based business is allowed in any accessory structure on the lot.
- c. The home-based business must operate so as not to create or cause a nuisance or subject neighbors to adverse operational or land use impacts (such as excessive noise or traffic or public safety hazards) that are not typical of the neighborhood.
- d. Interior display of goods or equipment associated with the home-based business must not be visible from the street.
- e. No equipment or process can be used in connection with the home-based business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

3. Allowed Uses

The nonresidential use in the dwelling unit is limited to:

- a. General food and beverage limited to catering and cooking classes only.
- b. General medical.
- c. General office.
- d. General personal service, limited to:
 - I. Individual academic, music or art instruction;
 - II. Dance, martial arts, music, or photography studio or classroom;
 - III. Gym, fitness/pilates/yoga studio;
 - IV. Beauty, hair and nail salon.
- e. General retail.
- f. Artisan production of wholesale goods and handcrafted small batch products.

ACCESSORY USES AND STRUCTURES**4. Employees and Customers**

- a. Up to 3 nonresident persons employed in the home-based business are allowed on-site at any given time.
- b. 4 customers or clients visiting the home-based business are allowed on-site at any given time.
- c. Customer or clients associated with the home-based business may visit between 8 AM and 8 PM.
- d. A maximum of 15 customers or clients may visit the home-based business in a 24-hour period.

I. Outdoor Dining

Accessory outdoor dining on the property of an allowed principal commercial use. Outdoor dining is in an area with tables, chairs, and other furnishings set up for the purpose of drinking or eating food and beverages.

1. Outdoor dining cannot encroach upon any public right-of-way without a permit issued by the City.
2. Outdoor dining cannot impair the ability of pedestrians or cyclists to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.
3. In an RD- and RA district, outdoor dining cannot exceed seating for 4 people.
4. In an RM-A and RM-B district, outdoor dining cannot exceed outdoor for 8 people.
5. In an RM-C district, outdoor dining cannot exceed seating for 12 people.
6. There is no limit in all other districts.

J. Outdoor Display

Accessory outdoor display of products actively available for sale on the property of an allowed principal commercial use.

1. Outdoor display is only allowed with an allowed ground floor nonresidential use.
2. Outdoor display must abut the primary facade with the principal customer entrance, cannot extend more than 6 feet from the facade and cannot exceed 6 feet in height.
3. Outdoor display must be removed and placed inside a building at the end of each business day.
4. Outdoor display cannot encroach upon any public right-of-way without a permit issued by the City.
5. Outdoor display cannot impair the ability of pedestrians or cyclists to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

K. Outdoor Entertainment Stage

Accessory outdoor entertainment stage on the property of an allowed principal commercial use. An outdoor entertainment stage is a raised unenclosed platform that accommodates musical or theatrical shows or performances.

L. Outdoor Storage

1. Allows for accessory outdoor storage on the property of a permitted principal nonresidential use. Outdoor Storage is the outdoor storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale or use. Outdoor storage is broken down into the following sub-categories.
2. Outdoor storage - minor, includes storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers.
3. Outdoor storage - major, includes contractor's equipment, used tires, fleet vehicles, trailers, storage of soil, mulch, stone, lumber, pipe, steel, concrete, wood; vehicles waiting repair and operable vehicle storage.
4. The amount of area dedicated to outdoor storage on a lot cannot exceed the following.

	% of lot area used for outdoor storage (max)
RC, RD-, RA, RM-	Not allowed
MX-	10%
IX	30%
IL	45%
IH	100%
CMP, INS	10%
CEM, OS	10%

5. A Light Transition Screen is required for minor outdoor storage around all common lot lines, [see 4.4.2.C](#).
6. A Moderate Transition Screen is required major outdoor storage around all common lot lines, [see 4.4.2.C](#).
7. A Frontage Screen is also required along street lot lines, [see 4.4.3.C](#).

M. Raising or Keeping of Domestic Animals

The raising or keeping of domestic animals for noncommercial purposes on lots occupied by single- and two-unit dwellings is allowed, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of animals is located at least 200 feet from all property lines. These setback requirements do not apply to the keeping of dogs, cats or other household pets or to the keeping of not more than 6 female chickens in Residential Districts. In addition, with regard to the keeping of not more than 6 female chickens:

1. No fenced area, pen or structure for the keeping of chickens may be located closer than 15 feet to any dwelling on an adjacent lot;

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2. No fenced area or pen for the keeping of chickens may be located within any required front yard or street side yard; and
3. No structure for the keeping of such chickens may be located within any required yard.

N. Short-Term Rental

Short-term rental means a room or group of rooms, all within a single dwelling unit of a dwelling use permitted in the district in which such dwelling use is located, used or intended to be used as lodging for at least one but fewer than 30 consecutive nights by the traveling public and similar transient guests in return for compensation on a daily basis. The following conditions are applicable to all districts short-term rentals are allowed in:

1. General Provisions

- a. The number of short-term renters over the age of 18 occupying or present within any short-term rental cannot exceed the lesser of:
 - I. 8 persons; or
 - II. The maximum number permitted by the most recent edition of the Virginia Uniform Statewide Building Code.
- b. No short-term rental operator can rent a short-term rental to one or more short-term renters, unless at least one of the short-term renters is 18 years of age or older.
- c. Only a short-term rental operator may operate a short-term rental. For each short-term rental, the corresponding short-term rental operator must submit a letter to the Zoning Administrator with:
 - I. Contact information for the short-term rental operator, including the operator's name, permanent mailing address, primary contact phone number and, if applicable, an electronic mail address;
 - II. An acknowledgment from the short-term rental operator confirming the operation of the dwelling unit as a short-term rental; and
 - III. For condominiums and co-ops, evidence that the condominium or co-op board has approved a request to use the dwelling unit as a short-term rental.
- d. Each short-term rental operator must provide to the Zoning Administrator and conspicuously post within the short-term rental a floor plan of the layout of the dwelling unit, on which floor plan the short-term rental operator must label the following:
 - I. The use of each room;
 - II. The occupancy level of sleeping rooms and cooking facilities;
 - III. The location and size of emergency egress and rescue openings; and
 - IV. The location of fire and carbon monoxide detectors.
- e. Smoke detectors must be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.

- f. A fire extinguisher must be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.
- g. Carbon monoxide detectors must be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.
- h. Prior to operation of any dwelling unit as a short-term rental, the short-term rental operator of the dwelling unit must obtain a Certificate of Zoning Compliance for the short-term rental use in accordance **6.2.7. Certificate of Zoning Compliance**.
- i. Every certificate of compliance for a short-term rental use expires 730 days after the date it is issued. No sooner than 30 days prior to the expiration, any short-term rental operator who wishes to maintain their short-term rental use may apply for a new certificate of zoning compliance for the use.
- j. All advertisements for any short-term rental must include the active Certificate of Zoning Compliance for the short-term rental.
- k. Under no circumstances may the issuance of a Certificate of Zoning Compliance by the Zoning Administrator be construed as abrogating, nullifying or invalidating any other provision of law; any deed covenant or property right; or any property owners' association bylaw.
- l. For multi-unit dwellings, a maximum of 10 or one-third of the dwelling units, whichever is lesser, on the lot are permitted as short-term rentals, except as provided in paragraph **2** below. For single-unit and two-unit dwellings, only one short-term rental is allowed on the lot.
- m. No short-term rental operator can agree to more than one booking transaction during the same period or any portion of the same booking period that results in reservations for 2 or more separately-booked short-term renters to occupy the same short-term rental at the same time.
- n. No short-term rental operator can offer, provide, advertise or permit use of a dwelling unit for any commercial use that is prohibited by law.

2. Short-term Rentals Located in an RC, RD-, RA, or RM- District

- a. The short-term rental must be located on the same lot as the short-term rental operator's primary residence.
- b. Where the short-term rental operator is a legal person but not an individual, the short-term rental must be located on the same lot as the primary residence of the individual who manages the day-to-day operations of the short-term rental operator, or who is a trustee or a beneficiary of the short-term rental operator if the short-term rental operator is a trust.
- c. For purposes of this section, whether a lot includes a short-term rental operator's or a qualifying individual's primary residence is determined by the records of the Virginia Department of Motor Vehicles or the Office of the Registrar of the City of Richmond current as of the date of application to operate a short-term rental on such lot. Only one short-term rental is allowed on any lot.

ACCESSORY USES AND STRUCTURES**O. Solar Energy, Small-Scale**

Solar panels or similar equipment or facilities installed on the roof of any building, structure, carport, or canopy, and used for the generation and distribution of solar power for on- or off-site consumption.

1. Must be installed in compliance with applicable provisions of the Uniform Statewide Building Code (USBC) and the Virginia Statewide Fire Prevention Code (VSFPC).
2. May be installed on the roof of any building or structure. It may also be attached and incorporated as part of any building facade such as roof tiles, window shutters, porches or canopies.
3. The height of a small-scale energy system installed on the roof of a single- or two-unit dwelling, or on the roof of an accessory building or structure on the same lot as the dwelling, may extend up to 5 feet above the highest point of the roof of the building or structure on which it is installed. All other small-scale energy systems may extend up to 15 feet above the highest point of the roof of the building or structure on which it is installed.
4. Wall- and roof-mounted solar may encroach into a required setback as follows:

	Front / Side St.	Rear / Side	Alley
Wall-mounted solar equipment			
Encroachment (max)	2.5'	1.5'	1.5'
Distance from lot line (min)	1'	2.5'	2.5'
Roof-mounted solar equipment			
Encroachment (max)	2.5'	2.5'	2.5'
Distance from lot line (min)	1'	2'	1.5'

6. Ground-mounted solar must follow allowed encroachments for ground-mounted mechanical and electrical equipment in *2.6.5.E. Exceptions*.

P. Wind Energy, Small-Scale

Wind turbines or similar equipment or facilities installed on the roof of any building, structure, carport, or canopy, and used for the generation and distribution of wind power for on- or off-site consumption.

1. Accessory wind energy systems must be installed in compliance with applicable provisions of the Uniform Statewide Building Code (USBC) and the Virginia Statewide Fire Prevention Code (VSFPC).
2. A wind energy system may be installed as a freestanding structure or on the roof of any building or structure so long as it does not exceed the requirements of the City's noise ordinance.
3. The height of a freestanding wind energy system installed on the lot of a single- or two-unit dwelling, or on the roof of any building or structure on the a lot, may extend up to 5 feet above the highest point of the roof of the primary building. For all other properties, wind energy systems may extend up to 15 feet above the highest point of the roof of the primary building or structure on the lot on which it is installed.
4. Wall- and roof-mounted equipment may encroach into a required setback as follows:

	Front / Side St.	Rear / Side	Alley
Wall-mounted wind equipment			
Encroachment (max)	2.5'	1.5'	1.5'
Distance from lot line (min)	1'	2.5'	2.5'
Roof-mounted wind equipment			
Encroachment (max)	2.5'	2.5'	2.5'
Distance from lot line (min)	1'	2'	1.5'

- Ground-mounted equipment must follow allowed encroachments for ground-mounted mechanical and electrical equipment in *2.6.5.E. Exceptions*.

SEC. 3.6. **TEMPORARY USES AND STRUCTURES**

3.6.1. **Purpose**

The purpose of this section is to provide a regulatory framework for temporary uses that, by their nature, are limited in duration and may not meet all requirements of the zoning district in which they are located, while ensuring that such uses do not negatively impact public health, safety, or welfare.

3.6.2. **Applicability**

These standards apply to all temporary uses.

3.6.3. **General Standards**

All temporary uses must comply with the following:

A. Duration

Temporary uses are permitted for a limited time period, not exceeding 5 consecutive days unless otherwise specified by this Section or approved by the Zoning Administrator.

B. Frequency

No temporary use may occur on the same lot more than 2 times per calendar year, unless otherwise authorized approved by the Zoning Administrator.

C. Operational Hours

The Zoning Administrator may limit daily hours of operation to ensure compatibility with surrounding uses.

D. Location

Temporary uses must not obstruct:

1. Required fire lanes;
2. Pedestrian pathways;
3. Accessible parking spaces; and
4. Sight triangles or traffic circulation.

E. Structure and Site Standards

1. Temporary structures must comply with applicable building and fire codes.
2. All electrical connections must be permitted and inspected.
3. Temporary tents exceeding the area thresholds of the fire code require a fire marshal permit.
4. Restroom access must be provided when required for the use.

F. Noise, Light, and Odor

All temporary uses must comply with applicable noise, lighting, and environmental performance standards.

G. Public Safety

Temporary uses must not create hazards, including fire risks, crowding, or obstruction of emergency access.

H. Cleanup and Site Restoration

The operator must return the site to its previous condition within 48 hours of permit expiration, including removal of structures, trash, lighting, and accessory facilities.

I. Security and Management

The Zoning Administrator may require on-site management, security personnel, or additional safety measures.

3.6.4. Portable Storage Units

- A. 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 does not include
 - 1. Receptacles used for collection of food, clothing, household goods or similar items in conjunction with an activity conducted by a governmental agency or a nonprofit organization, or
 - 2. Waste and debris containers or temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises.
- B. Portable storage units may be located on a lot in any district subject to the following conditions, the conditions are not applicable in an IH 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 may 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 are not subject to the 25-day limit; however, such units must be removed immediately upon completion of the construction, repair or renovation activity.

TEMPORARY USES AND STRUCTURES

4. No portable storage unit can exceed 150 square feet in floor area, and no portable storage unit can be greater than 8 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 portable storage unit 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 cannot be located within any required yard, provided that upon approval of the Zoning Administrator, the 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 must be in a condition free from rust, peeling paint and other visible forms of deterioration. Identification of the business owning a portable storage unit are allowed on the portable storage units.
7. Inoperable or converted vehicles or trailers cannot be used for storage purposes, except trailers may be used for storage in an IL or IH district when all applicable district standards are met.

SEC. 3.7. WIRELESS TELECOMMUNICATIONS FACILITIES

3.7.1. Purpose

This section is to provide requirements for the location and design of wireless communication facilities, microwave relay facilities, and radio and television broadcast antennas.

3.7.2. Intent

- A. 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.
- B. 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.
- C. 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.
- D. 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.

3.7.3. Definitions

The definitions in ~~7.2~~ apply, except as modified or supplemented below.

- A. 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:
 - a. Not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within that existing line of utility poles;
 - b. Not located within the boundaries of a local, State or Federal historic district;
 - c. Not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35% of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on under-grounding projects since 1980; and

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- d. Designed to support small cell facilities; or
- 2. The co-location on any alternative support structure of a wireless facility that is not a small cell facility.
- B. 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. The term “alternative support structure” includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.
- C. Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.
- D. 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.
- E. Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, alternative support structure, utility pole, or wireless support structure. The term “co-location” has a corresponding meaning.
- F. 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.
- G. New structure means a freestanding 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 required zoning approval.
- H. Project means:
 - 1. The installation or construction by a wireless services provider or wireless infrastructure provider of a new structure; or
 - 2. The co-location on any alternative support structure of a wireless facility that is not a small cell facility.
 - 3. The term “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 *3.7.10. Installation of Small Cell Facilities* apply.
- I. Small cell facility means a wireless facility that meets both of the following qualifications:
 - 1. Each antenna is located inside an enclosure of no more than 6 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 6 cubic feet; and
 - 2. 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.

3. 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.
- J. 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.
- K. Standard process project means any project other than an administrative review-eligible project.
- L. 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.
- M. Water tower means a water storage tank, 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.
- N. Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including
 1. 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;
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, such as microwave relay facilities, regardless of technological configuration.
- O. 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.
- P. Wireless services means:
 1. "personal wireless services" as defined in *47 USC 332(c)(7)(C)(i)*;
 2. "personal wireless service facilities" as defined in *47 USC 332(c)(7)(C)(iii)*, including commercial mobile services as defined in *47 USC 332(d)*, provided to personal mobile communication devices through wireless facilities; and
 3. Any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.
- Q. Wireless services provider means a provider of wireless services.
- R. Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable alternative support structure or other structure designed to support or capable of supporting wireless facilities. The term "wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

3.7.4. Applications for Installation or Construction of Projects

- A. All applications to install or construct projects in the City must be submitted to the Planning Director in the form of a site plan, all documentation required in 3.7.5, and any other documentation the Planning Director may require. A fee, as established by the City, must accompany the submittal of each application.
- B. Applicants for standard process projects whose proposed projects do not meet applicable criteria of this Section may either modify their proposed projects to comply 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 established by the City, must accompany the submittal of each application for a Special Use Permit, Variance, or other available means of zoning approval. An applicant for an administrative review-eligible project is not required to obtain a Special Use Permit or Variance.
- C. The City must notify the applicable project applicant by email within 10 business days after receiving an incomplete application for any purpose described in paragraphs A. and B. above. Notice must specify any additional information required to complete the application. Failure by the City to so provide this notice renders the application complete.
- D. Unless the City and applicant mutually agree to extend the application review period, the City must approve or disapprove a complete application for any purpose described in paragraphs A. and B. above within the following periods of time:
 - 1. For a new structure, within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval; and
 - 2. For the co-location of any wireless facility that is not a small cell facility, within 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).
 - 3. Failure by the City to approve any such complete applications within the applicable periods above renders applications approved.
- E. Following disapproval by the City of any application described in paragraphs A. and B. above, the City must 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 a written statement. Subsequent disapproval by the City of a project application incorporating the 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 paragraphs A. and B. above must:
 - 1. Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services, and
 - 2. Be supported by substantial record evidence contained in a written record publicly released within thirty days following the disapproval.
- G. Applications described in 3.7.7 are subject to paragraphs C. through F. above.

3.7.5. Standards Applicable to all Wireless Facility Projects

- A. In addition to meeting minimum submission requirements for any application materials, the Planning Director may require, requests for approval for wireless facility projects include the following:
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 co-location of other users at the site; 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 3 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 co-location of other users at site).
 3. Plans required for applications must also clearly depict the following:
 - a. The location of the facility within the overall property, the access point from a public street, and 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.

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- 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 must be no signage identifying the site except for a single nameplate not exceeding 4 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 is deemed abandoned and must be removed from the premises within 90 days of such abandonment.

3.7.6. Permitted Use of Alternative Support Structures

1. Use of alternative support structures for the uses described in this Section are permitted on nonconforming properties and properties which are already subject to Special Use Permits, Institutional Master Plans or Community Unit Plans.
2. Installations are deemed to be a permitted alteration of a nonconforming property and are deemed in substantial conformance with the Special Use Permits, Institutional Master Plans or Community Unit Plan, provided the installation is in conformance with the review criteria set forth in 3.7.7.B as determined by Site Plan Review, if required, in accordance 6.2.2 for nonconforming properties and properties subject to Special Use Permits or Institutional Master Plans, and by final plan review, if required, in accordance with 6.2.10 for properties subject to Community Unit Plans.

3.7.7. Review Criteria for Alternative Support Structures

- A. The authorization in this Zoning Code 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. These 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 are applicable to all installations on alternative support structures:
1. The maximum combined projection (antenna and mounting hardware) above the alternative support structure must 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 cannot project above the alternative support structure by more than 20 feet.
 2. Projects that meet the following criteria require a Certificate of Zoning Compliance but do not require Site Plan or final Community Unit Plan approval:
 - a. The maximum combined projection (antenna and mounting hardware) above the alternative support structure cannot exceed 10 feet; provided, however, if the installation is visible from the principal street frontage, then the maximum combined projection (antenna and mounting hardware) above the alternative support structure cannot exceed 5 feet in height.

- b. The maximum dimensions of the antenna cannot exceed 2 feet by two 2 by 2 feet or an alternative design not to exceed 3 cubic feet.
- c. The maximum dimensions of any new mechanical enclosures or cabinets located on a support structure where they would be visible cannot exceed 5 feet by 2 feet by 2 feet.
- d. Any portion of the installation that is visible from the principal street frontage must 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.

3.7.8. Review Criteria for New and Existing Structures

- A. In addition to the information required by 3.7.5, an application for a new structure must document the reasons the proposed wireless facilities cannot not be placed 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.
- B. All new structures are limited to monopole designs only, and are subject to the following locational standards:
 - 1. There is a setback of 500 feet from any property in an RC, RD-, RA, or RM- district and a setback of 1,000 feet from the shoreline of the James River. In no case can a setback exceed the largest setback imposed by the Zoning Code on other types of similar structures of a similar size, including utility poles.
 - 2. The maximum height of any monopole and antenna array is 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 cannot exceed 155 feet.
- C. The antenna array must 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 required by 3.7.5, a statement must be provided as to why those types of hardware are not technically feasible.
- D. The support structure and antenna array must 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 can 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 cannot exceed 10 feet in diameter.
- G. When microwave dish antennas are accessory to a wireless facility and are mounted on the monopole, dishes cannot exceed 6 feet in diameter and cannot be mounted so as to extend more than 6 feet from the monopole.

3.7.9. Review Criteria for Public Wireless Facilities

The installation of any public wireless facility and wireless support structures are not subject to the requirements of 3.7.5 through 3.7.8, but instead are subject to location, character and extent approval by the Planning Commission in accordance with the requirements of *Section 17.07 of the Charter*.

3.7.10. Installation of Small Cell Facilities

- A. The co-location of small cell facilities by a wireless services provider or wireless infrastructure provider on an alternative support structure, are 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 notifies the Planning Director.
- B. No small cell facility can 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 can 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 must be submitted to the Planning Director and may include up to 35 permit requests on a single application. A permit fee and processing fee must accompany each application. For each small cell facility up to 5 small cell facilities on a single permit application, the fee is \$100, and for each additional small cell facility over 5 small cell facilities on a single permit application, the fee is \$50. Applications must include the following information for each permit requested. Any application not containing all of the following information may be deemed incomplete by the Planning Director.
 - 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;
 - 2. The address and latitude/longitude of the alternative support structure on which the small cell facility will be co-located;
 - 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;
 - 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);
 - 5. A statement that the small cell facility and operation of the facility 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 antennas, base station, and all other associated wireless equipment;

WIRELESS TELECOMMUNICATIONS FACILITIES

- b. A detailed layout plan consisting of a site plan, roof plan, floor plan, as applicable to the alternative support structure;
- 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
- 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 must include:
 - I. The color of the alternative support structure and the small cell facility, the base station and all other associated equipment;
 - II. The location and details of lighting, when applicable; and
 - III. Landscape plans for the base of the alternative support structure and ground mounted equipment.
- D. Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the Planning Director must notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application is deemed complete.
- E. Within 60 days of receipt of a complete application, the Planning Director must either approve the application, disapprove the application, or extend the period for an additional 30 days by providing written notice of an extension to the applicant.
- F. Any disapproval of the application must be in writing and accompanied by an explanation for the disapproval.
- G. The application is deemed approved if the Planning Director does not disapprove the application within 60 days of receipt of the complete application unless within such 60 days the Planning Director extended the period for an additional 30 days pursuant to this Section, in which case the application is deemed approved if the Planning Director does not disapprove the application within 90 days of receipt of the completed application.
- H. Provided the applicant is in compliance with all provisions of this section, the Planning Director cannot 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 and no Certificate of Appropriateness authorizing the small cell facility has been issued.

WIRELESS TELECOMMUNICATIONS FACILITIES

- I. Nothing prohibits an applicant from voluntarily submitting, and the Planning Director from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.
- J. 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 is deemed abandoned and must be removed from the premises within 90 days.
- K. 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 are exempt from the permitting requirements and fees.

SEC. 3.8. **PARKING AND STORAGE OF RV'S, COMMERCIAL VEHICLES, AND MOBILE HOMES**

3.8.1. **Recreational Vehicles**

A recreational vehicle may only be used as a residence in an approved travel trailer park. In an RC, RD-, RA, or RM- district, a recreational vehicle may not be parked or stored in a front yard, side street yard, or a side yard.

3.8.2. **Personal and Commercial Vehicles and Semi-trailers**

- A. In an RC, RD-, RA, or RM- district, the following vehicles may not be parked or stored outside of a completely enclosed building, except while actively loading or unloading:
 - 1. Personal vehicles with an empty weight greater than 6,500 pounds.
 - 2. Commercial vehicles.
 - 3. Trailers and semitrailers.
- B. For the purposes of this section, a commercial vehicle is a motor vehicle designed or regularly used to transport freight, merchandise, or more than 10 passengers. This includes buses but does not include vehicles used for vanpools. Empty weight is the weight listed on the vehicle registration issued by the state Department of Motor Vehicles.
- C. This standard does not apply to buses or other passenger vehicles owned or operated by a public or private school, place of worship, or charitable or philanthropic organization.

3.8.3. **Mobile Homes**

Mobile homes may only be parked or stored in an approved mobile home park or subdivision. An unoccupied mobile home may be displayed for sale, stored, serviced, repaired, or manufactured in an Industrial District.

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SEC. 4.1. GENERAL PROVISIONS

4.1.1. Applicability

- A. Development standards apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an expansion of an existing use may include both an addition and a facade modification).

Development Standards		Project Activity						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
4.2.1.	Clear Pedestrian Zone	●	○	○	○	○	○	○
4.2.2.	Pedestrian and Bicycle Access	●	○	○	○	○	○	○
4.2.3.	Bicycle Parking	●	●	○	○	●	●	○
4.3.1.	Vehicle Access	●	○	●	○	○	○	○
4.3.2.	Parking Area Dimensions	●	○	●	○	○	○	○
4.3.3.	Parking Lot Landscaping	●	○	●	○	○	○	○
4.3.4.	Vehicle Use Areas	●	○	●	○	○	○	○
4.4.1.	Transitions	●	○	○	○	●	○	○
4.4.2.	Transition Screens	●	○	○	○	●	○	○
4.4.3.	Frontage Screens	●	○	○	○	●	○	○
4.4.4.	Requirements for All for Transition and Frontage Screens	See 4.4.4.A						
4.4.5.	Site Element Screens	●	○	○	○	●	○	○
4.5.1.	Tree Canopy	●	○	○	○	○	○	○
4.5.2.	Walls and Fences	See 4.5.2.B						
4.5.3.	Landscape Design	See 4.5.3.A						
4.6	Signs	See 4.6.1.C						
4.7.1	Outdoor Lighting	See 4.7.1.B						

● = Standards may apply ○ = Standards do not apply

- B. Project activities are defined in [2.1.3. Project Activities](#).
- C. Where a Section is listed as applying, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each development standard. Applicability may also be modified by [6.3. Nonconformities](#).

SEC. 4.2. MULTI-MODAL ACCESS AND MOBILITY

4.2.1. Clear Pedestrian Zone

A. Intent

Intended for pedestrian travel, to help ensure a safe and accessible route for all users along the street edge, including those with mobility devices like wheelchairs.

B. Applicability

The clear pedestrian zone requirements apply to all lots.

C. Standards

- 1. A clear pedestrian zone must be provided along the along the entire length of the primary street and side street lot lines that meet the minimum depth required below. Typically this is met by the existing public sidewalk. However, in cases where the minimum dimension is not met using the existing public sidewalk, a public easement on private property must be provided to expand the clear pedestrian zone until the minimum depth is met.
- 2. The required clear pedestrian zone depths are as follows:

	Clear Pedestrian Zone (min)
All residential uses	
1-12 units	Not required
13-49 units	5'
50+ units	8'
All public and institutional uses	8'
Except for parks and open space uses	No requirement
All commercial uses	8'
Except for agriculture uses	No requirement
Manufacturing and industrial uses	5'

- 3. The primary or side street setback is included in the depth of the clear pedestrian zone.
- 4. The clear pedestrian zone must remain clear of permanent buildings, structures, walls and fences. Outdoor dining (3.5.2.I) and outdoor display (3.5.2.J) may be allowed subject to the specific requirements of each section. There must be a minimum of 6 feet of clear distance of sidewalk at all times.
- 5. The following encroachments are allowed over the public easement provided a clear height of least 10 feet is maintained:
 - a. Upper stories of buildings;
 - b. Eaves, roof overhangs, gutters, awnings, and canopies;
 - c. Balconies, light shelves, and exterior stairways; and

- d. Building signs - see 4.6.
- 6. The clear pedestrian zone must be constructed to meet all City and ADA specifications. See *Chapter 24 of the City Code*.

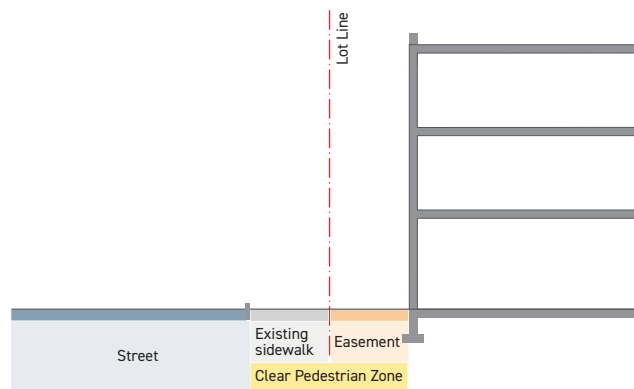
D. Easement Termination

Once established, the easement can only be terminated if:

1. The City undertakes a redesign of the street that widens the portion of the clear pedestrian zone within the right-of-way, rendering the easement unnecessary.
2. The use is replaced by a different use having a lower standard. In this case the easement may be either terminated or reduced in size, to the minimum required to meet the new standard.

E. Measurement

The clear pedestrian zone is measured from the curb inward to the property line.



4.2.2. Pedestrian and Bicycle Access

A. Intent

To provide for safe and convenient pedestrian and bicycle travel by:

1. Improving pedestrian access from the public realm to building entrances;
2. Improving bicycle access from the public realm.
3. Ensuring that pedestrian entrances are conveniently and effectively accessible to pedestrians; and
4. Activating the public realm with building access points and improving pedestrian circulation through large sites.

B. Connectivity

1. Pedestrian connections must be made from the required street-facing entrance to the abutting street in an RA, RM-, MX- and IX district.
2. ADA compliant pedestrian access must be provided connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other public entrances and with available access points including parking, streets, sidewalks and transit stops.
3. Pedestrian walkways must be provided along shared access driveways and areas that serve as ingress/egress for the development.
4. The minimum width of a pedestrian walkway is 5 feet.
5. Walkways must be constructed of an all-weather solid surface material such as concrete, asphalt, or another similar material that would satisfy the State accessibility code.
6. Driveways and areas that solely serve as access for rear-loaded townhouses or loading areas for nonresidential buildings do not require a separate pedestrian walkway.

C. Pedestrian Access Standards

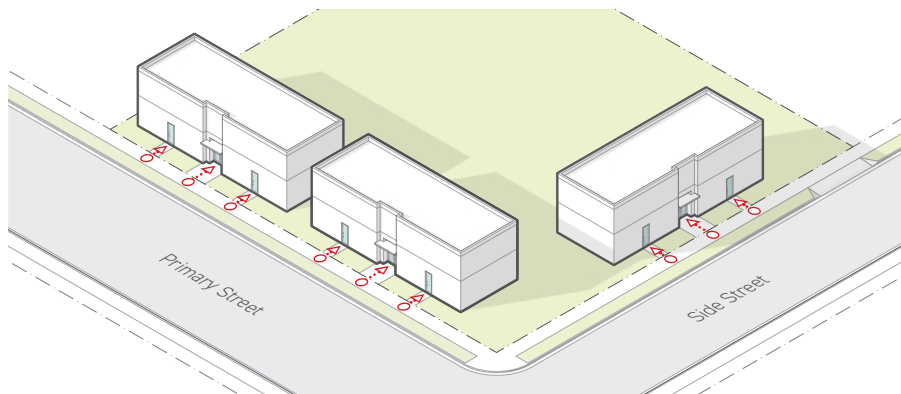
1. Applicability

Pedestrian access standards apply to all required street-facing entrances in an RA, RM-, MX-, and IX district. Pedestrian access standards do not apply to non-required entrances.

2. Pedestrian Connection Types

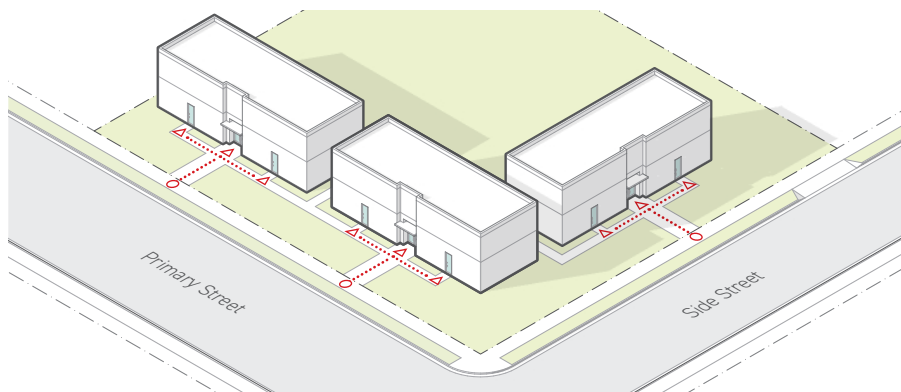
a. Type 1

- I. A direct pedestrian walkway providing access to a single building entrance.
- II. The pedestrian walkway must connect to the public sidewalk, or other publicly accessible pedestrian-facility along the street or trail, to a required street-facing entrance.



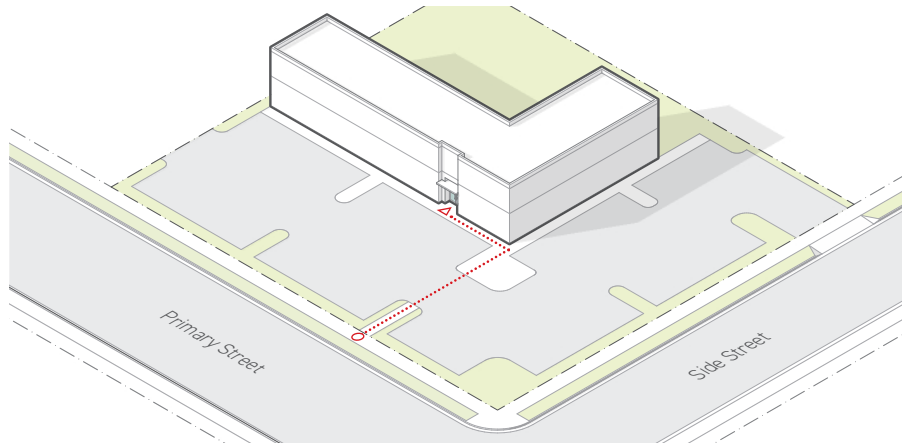
b. Type 2

- I. A grouped pedestrian walkway providing consolidated access to 3 or fewer building entrances.
- II. The grouped pedestrian walkway must connect to the sidewalk, or other publicly accessible pedestrian-facility along the street or trail, to a required street-facing entrance.



MULTI-MODAL ACCESS AND MOBILITY**c. Type 3**

- I. At least one pedestrian walkway must connect to the public sidewalk, or other publicly accessible pedestrian-facility along the street or trail, to a required street-facing entrance
- II. The pedestrian walkway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical.



4.2.3. Bicycle Parking

A. Intent

To help ensure safe, secure, accessible, and convenient storage of bicycles for all users.

B. Applicability

1. All principal uses in 3.2.
2. For additions, bicycle parking is required for the new floor area only.
3. For a renovations, bicycle parking is required for the renovated floor area only
4. Dwelling units with individually accessed private garages are not required to provide bicycle parking.

C. Standards

1. Required Bicycle Parking

- a. Bicycle parking must be provided in accordance with the following table. When bicycle parking is required, a minimum of 2 spaces must provided, regardless of size.
- b. After the first 24 bicycle parking spaces, no additional bike parking is required.

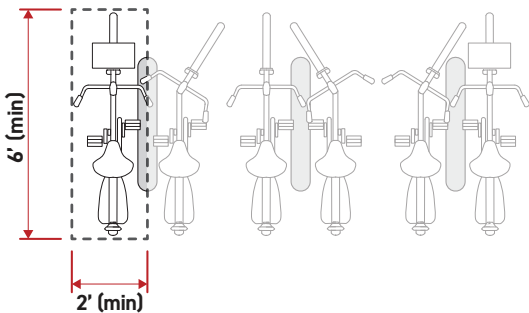
	Spaces Required (min)
Residential Uses	
Household living	
1-3 units	Not required
4-12 units	1 per 2 units
13-48 units	1 per 3 units
49+ units	1 per 4 units
Group living (excluding senior living)	1 per 4 bedrooms
Special needs housing	1 per 8 beds
Public and Institutional Uses	
Civic (excluding religious assembly)	1 per 5,000 SF of floor area
Day care	1 per 10,000 SF of floor area
Education	4 per 10 classrooms
Parks and open space	8 per park
Commercial Uses	
Entertainment and recreation	1 per 2,500 SF of floor area
Food and beverage	1 per 2,500 SF of floor area
Lodging	1 per 20 rooms
Medical	1 per 5,000 SF of floor area
Office	1 per 5,000 SF of floor area
Parking	2 per lot
Personal service	1 per 2,500 SF of floor area
Retail sales and service	1 per 2,500 SF of floor area

	Spaces Required (min)
Manufacturing and Industrial Uses	
Industrial	1 per 20,000 SF of floor area
Transportation	1 per 20,000 SF of floor area
Warehouse and distribution	1 per 20,000 SF of floor area

2. Bicycle Facilities

a. Dimensions

- I. Racks must allow for the bicycle frame and at least one wheel to be locked to the rack.
- II. If bicycles can be locked to each side of the rack, each side can be counted as a required space.
- III. Bicycle racks must be permanently anchored to a floor, foundation or ground, wall, or ceiling as appropriate for the type rack proposed.
- IV. Bicycle parking spaces must be a minimum of 2 feet wide and 6 feet long.



- V. Bicycle parking must be placed at least 3 feet from all obstacles such as walls, fences, and curbs to provide clear and maneuverable access. Racks must be placed so that each required bicycle parking space is accessible without moving another bicycle.

b. Location

- I. Directional signage must be installed when bicycle parking facilities are not readily visible from the street, sidewalk, or main building entrance.
- II. Bicycle parking locations cannot impede pedestrian or motorized vehicle movement or circulation.
- III. Bicycle racks must be located on the ground level, not requiring the use of stairs, elevators, or ramps.

3. Measurement

When the application of these regulations results in a fraction, fractions of 1/2 or more are counted as one space.

SEC. 4.3. **VEHICLE ACCESS AND MOBILITY**

4.3.1. **Vehicle Access**

A. Intent

To facilitate transportation and to provide for safe and convenient vehicle and pedestrian travel by ensuring motor vehicle access is designed to support the safety of all users by minimizing conflicts with pedestrians, cyclists, transit vehicles, micro-mobility devices, and motor vehicles on the abutting public street and to avoid detrimental effects on the surrounding public realm, while providing sufficient access to vehicle parking and other motor vehicle use areas.

B. Applicability

Any lot that provides access to motor vehicles.

C. General

1. All on-site parking lots and motor vehicle use areas must have satisfactory means of motor vehicle access to and from a street or alley, or permanent access easement where no abutting street or alley is present.
2. When an improved alley exists or is proposed, motor vehicle access must take place from the alley.
3. When a lot is adjacent to a primary street and side street without an alley, vehicle access must take place along the side street.
4. Pedestrian walkways that cross a driveway must be maintained as a level and continuous path.

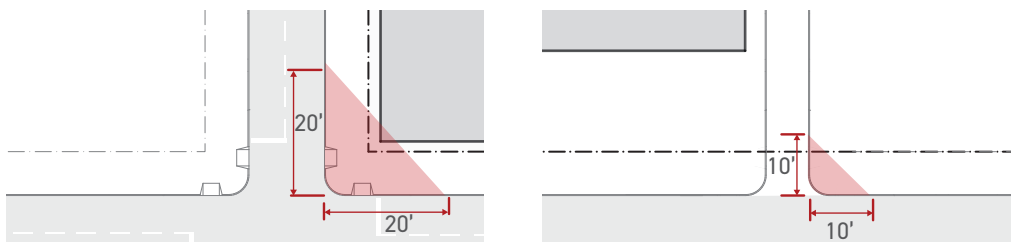
D. Sight Triangle

1. Intersections and Corner Lots

A sight triangle must be established at the intersection of two streets and at the intersection of a street and an alley. The triangle is formed by measuring 20 feet from the point of intersection of the curb lines (or edge of pavement where curbs do not exist) along each intersecting street and connecting those points.

2. Driveways

For any driveway, a 10 feet x 10 feet sight triangle must be maintained, measured from the edge of the driveway and back from the curb or edge of pavement.



3. Standards

- a. No fence, wall, hedge, berm, sign, outdoor storage, or other obstruction between 2.5 and 8 feet in height above the adjacent roadway elevation is allowed.
- b. Tree canopies may project into the sight triangle provided the lowest branches are maintained at least 8 feet above grade.
- c. Buildings may occupy the sight triangle provided they comply with the applicable setback or build-to requirements.

4.3.2. Parking Area Dimensions

A. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by ensuring parking lots are designed to create safe, comfortable, and attractive environments for vehicular and pedestrian travel.

B. Applicability

1. Where a parking lot with 6 or more spaces is provided, the parking lot must meet the standards of this Section. A parking lot is considered a parking lot when it has no building or parking floor area below or above it. For site modifications, the standards of this Section apply to new parking lots only.
2. Where a parking structure is provided, the parking structure must meet the standards of this Section. A parking structure is considered a building that includes parking uses, including parking garages and integrated podium parking.

C. General

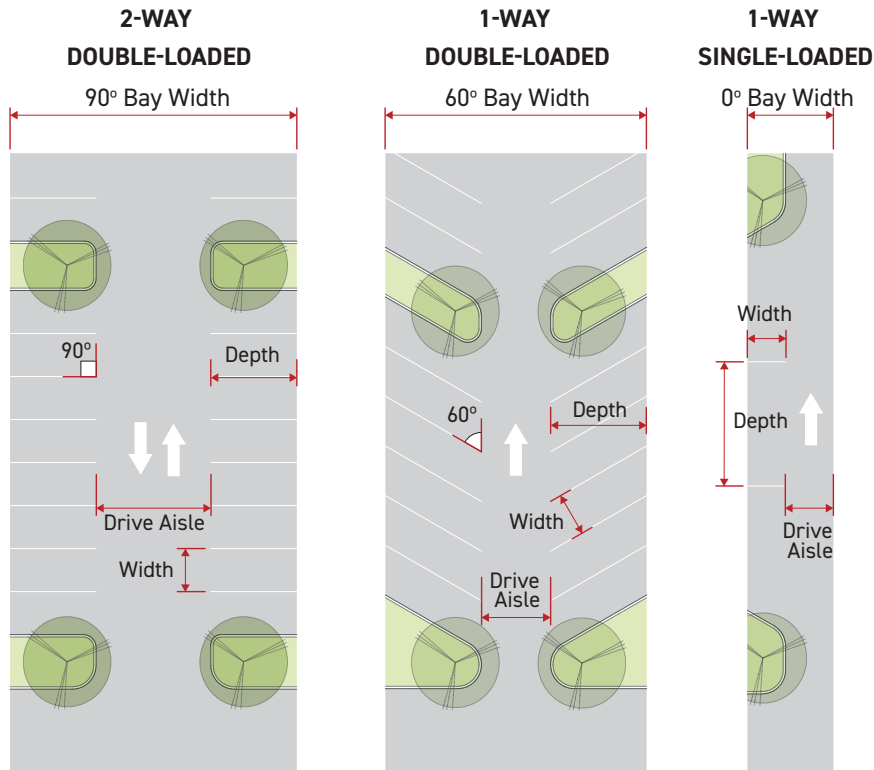
1. All portions of a parking lot must be accessible by vehicles to all other portions of the parking lot without requiring the use of a street, except for an alley. Parking structures may use a street to access different levels of the structure.
2. Each parking space must be located so that no vehicle is required to back onto any sidewalk or street, except for an alley, to leave the parking space.

D. Spaces and Drive Aisles

1. Parking spaces and drive aisles must meet the following minimum dimensions:

Parking Space (min)			One-Way Drive (min)		Two-Way Drive (min)	
Angle	Width	Depth	Drive Aisle	Bay Width	Drive Aisle	Bay width
0°	8.0'	17.5'	11.0'	19.0'	19.0'	35.0'
60°	8.0'	15.8'	14.0'	45.6'	--	--
90°	8.0'	15.0'	--	--	20.0'	50.0'

2. Compact parking spaces may be used in place of a standard size space when the following requirements are met:
 - a. For parking lots with 6 or more spaces and parking structures, a maximum of 20% of the total amount of parking spaces can be sized and designated for compact vehicles.
 - b. A compact vehicle space must be at least 7.5 feet in width and at least 14 feet in length, exclusive of access drives, aisles, or columns.
 - c. Compact parking spaces must be signed and marked as "Compact."
 - d. No more than 10 compact spaces can be located contiguously together.



3. Full and permanent parking space delineation is required for parking lots with 6 or more spaces and parking structures. Delineation may include striping, wheel stops, curbing, or other similar permanent material which can clearly define and delineate parking spaces. Full parking space delineation means clear markings for all three sides of a space.
4. All dead-end aisles providing access to parking spaces must provide backup space of not less than 5 feet in depth at the end of an aisle.

E. Lighting

Lighting in parking lots and parking structures must meet [4.7.1](#).

F. Electric Vehicle Charging

1. Where a parking lot or parking structure with 20 or more spaces is provided, 10% of the parking spaces must be equipped with conduit and electrical capacity to accommodate the installation of electrical vehicle charging equipment.
2. Electric vehicle charging equipment, including pedestals, bollards, or cables, cannot encroach into drive aisles or pedestrian walkways.

G. Parking Lot Surfacing and Curbing

1. All parking lots must be fully paved and constructed with concrete, asphalt, paving blocks, pervious surfacing or other similar materials approved by the Administrator of the *Erosion and Sediment Control Ordinance in Chapter 14, Article III of the City Code*.

2. All parking lots must be graded and drained to collect, retain and infiltrate surface water on-site by applying low impact development practices and standards and must be designed so as not to create or increase adverse effects on adjoining properties as a result of surface drainage.
3. For parking lots with 6 or more spaces, intermittent curbing or wheel stops at least 4 inches in height must be installed around the perimeter of all parking lots and landscaped areas. Curbing must be constructed of concrete, granite, or other approved material of similar durability and appearance, and must contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area. Loose material surfaces must be contained with a permanent edging.
4. Where a parking space abuts a landscaped island, the front 2 feet of the parking space can overhang the landscaped island, provided a wheel stop is installed.

4.3.3. Parking Lot Landscaping

A. Intent

To help ensure parking lots are designed to create safe, comfortable and attractive environments for users and pedestrians, while also mitigating heat island effects, absorbing noise pollution, managing stormwater runoff, sequestering carbon emissions and supporting urban biodiversity through landscaping and surface design.

B. Applicability

1. Perimeter landscaping is required for parking lots serving more than 6 parking spaces.
2. Interior landscaping is required for parking lots serving 20 or more parking spaces.
3. All required trees must meet *4.5.3. Landscape Design*.

C. Perimeter Screening

1. A transition screen may be required between a parking lot and a common lot line, see *4.4.2. Transition Screens*.
2. A frontage screen may be required between a parking lot and a street lot line, see *4.4.3. Frontage Screens*.
3. For site modifications, the parking lot landscaping standards apply to new parking areas only.

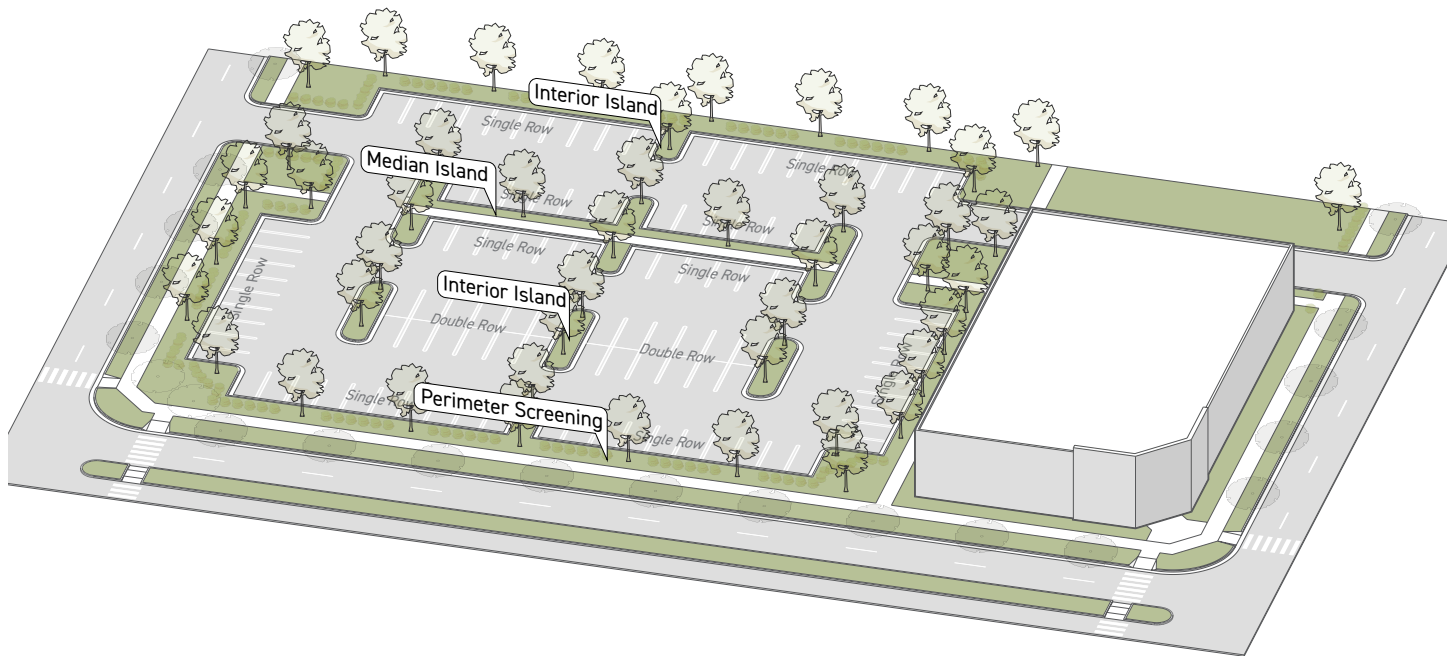
D. Interior Landscaping

1. Interior Islands

- a. No more than 10 consecutive parking spaces can be provided without a landscaped interior island.
- b. Interior islands may be consolidated or intervals expanded with the permission of the Zoning Administrator, in order to preserve existing trees.
- c. An interior island abutting a single row of parking spaces must be a minimum of 6 feet in width and 100 square feet in area. Each island must include at least 1 canopy tree.
- d. An interior island abutting a double row of parking spaces must be a minimum of 6 feet in width and 200 square feet in area. Each island must include at least 2 canopy trees.
- e. Interior islands must be installed below the level of the parking lot surface to allow for stormwater runoff capture.

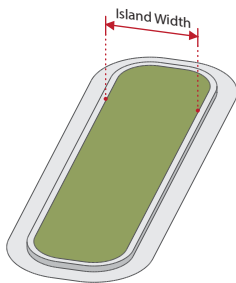
2. Median Islands

- a. A landscaped median island must be provided between every 4 single parking rows. Intervals may be expanded with the permission of the Zoning Administrator, in order to preserve existing trees
- b. A median island must be at least 6 feet wide. A median island with a pedestrian walkway must be a minimum of 10 feet wide.



E. Measurement

Interior and median island width is measured as the narrowest horizontal dimension from inside the top of curb to inside top of curb.



4.3.4. Vehicle Use Areas

A. Intent

To facilitate transportation and to provide for safe and convenient vehicular and pedestrian travel by ensuring vehicle use areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of neighboring lots or the public realm.

B. Applicability

1. All portions of a lot designed and intended for use by vehicles must comply with the following standards, including areas used for circulation, maneuvering, loading, staging, queuing, service, and areas to be used for the sale or storage of vehicles.
2. Parking lots and parking structures are excluded from the vehicle use area requirements, see *4.3.3. Parking Lot Landscaping*.
3. Loading standards apply to any lot that include on-site loading areas.
4. Stacking space standards apply to any lot that includes an on-site drive-through or control gate.

C. General

1. Surfacing

Vehicle use area surfacing must meet *4.3.2.G. Parking Lot Surfacing and Curbing*.

2. Perimeter Screening

- a. A transition screen may be required between a vehicle use area and a common lot line, see *4.4.2. Transition Screens*.
- b. A frontage screen may be required between a vehicle use area and a street lot line, see *4.4.3. Frontage Screens*.

3. Lighting

Lighting must meet *4.7.1*.

D. Vehicle Stacking

1. Required Stacking Spaces

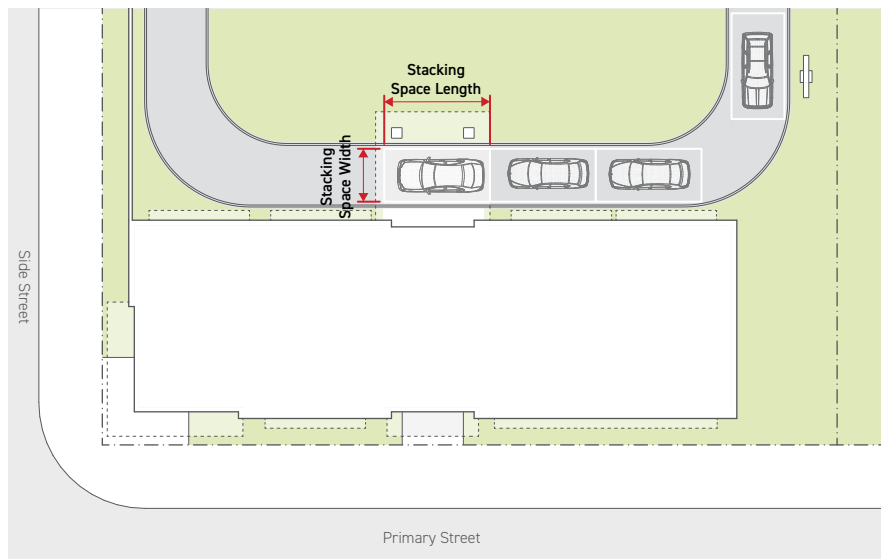
- a. Off-street stacking spaces must be provided as follows:

Activity Type	Stacking Spaces (min)	Measured from the stacking lane entry to the following point of service
ATM machine drive-through	2	Teller machine
Bank teller drive lane	2	Teller or window
Vehicle wash bay, full-service	6	Bay
Car wash bay, self-service	2	Bay
Vehicle gate stacking area	1	Gate
Dry cleaning/laundry drive-through	2	Cleaner/laundry window
Food and beverage drive-through	8	Order/pick-up window
Pharmacy drive-through	2	Pharmacy window

- b. The minimum stacking space number includes the space at the point of service. A drive-through facility with unspecified activity type must comply with the most stringent stacking requirements applicable as determined by the Zoning Administrator.
- c. The Zoning Administrator may modify the required number of stacking spaces based on existing conditions, physical considerations unique to the particular site, and consideration for specific stacking demands for the proposed use.

2. Design and Layout of Stacking Spaces

- a. Stacking spaces must be a minimum of 8 feet in width by 20 feet in length.



- b. Stacking spaces cannot encroach on or interfere with sidewalks, bike lanes, driveways, drive aisles, loading areas, or parking lots.
- c. Devices for the transmission or broadcasting of voices or music must be so directed or muffled as to prevent the sound or music from being audible beyond the boundaries of the site.

E. Loading

1. On-site Loading Not Required

On-site loading area is not required.

2. Location

Loading areas must be located to the rear or side of buildings.

3. Standards

If on-site loading is provided, it must meet the following.

- a. Loading areas must be provided with a means of unobstructed ingress and egress to an alley or onto a public street wide enough to accommodate expected vehicles. Where ingress and egress is made onto a public street, it must be through driveways or openings which meet required standards. Permanent wheel stops or curbing must be provided to prevent any vehicle using the loading area from encroachment into a required yard or abutting property.
- b. On-site loading spaces, excluding maneuvering areas, must be a minimum of 10 feet wide by 25 feet long.
- c. Vertical clearance must be a minimum of 14 feet.
- d. Loading areas must be screened from public streets in accordance with **4.4.3. Frontage Screens**.

SEC. 4.4. TRANSITIONS AND SCREENING

4.4.1. Transitions

A. Intent

To improve the compatibility of new development with its surrounding context where the scale of development changes between lots.

B. Applicability

Subject lots are required to provide the following transition type when abutting or across an alley from another zoning district as shown in the table below.

Subject Lot	Zoning of Abutting Property (including across an alley)													
	RC	RD- A, B, C	RA	RM- A, B, C	RM-S	MX-3	MX- 5, 7, 13, U	IX	IL	IH	CMP	INS	CEM	OS
RC	--	--	--	--	--	--	--	--	--	--	--	--	--	--
RD-	--	--	--	--	--	--	--	--	--	--	--	--	--	--
RA	--	--	--	--	--	--	--	--	--	--	--	--	--	--
RM-A	A	A	--	--	--	--	--	--	--	--	--	--	--	--
RM-B	A	A	--	--	--	--	--	--	--	--	--	--	--	--
RM-C	A	A	A	--	--	--	--	--	--	--	--	--	A	--
RM-S	A	A	A	--	--	--	--	--	--	--	--	--	A	--
MX-3	A	A	A	A	A	--	--	--	--	--	--	--	--	--
MX-5	C	C	C	B	A	--	--	--	--	--	--	--	A	--
MX-7	C	C	C	B	A	--	--	--	--	--	A	A	A	--
MX-13	C	C	C	C	C	C	--	--	--	--	A	C	A	--
MX-U	C	C	C	C	C	C	--	--	--	--	A	C	A	--
IX	C	C	C	B	B	A	A	--	--	--	B	B	A	--
IL	B	B	B	B	B	B	B	B	--	--	B	B	A	--
IH	B	B	B	B	B	B	B	B	B	--	B	B	B	B
CMP	C	C	C	--	--	--	--	--	--	--	--	--	--	--
INS	A	A	A	--	--	--	--	--	--	--	--	--	--	--
CEM	A	A	A	A	A	A	A	A	A	A	A	A	--	A
OS	--	--	--	--	--	--	--	--	--	--	--	--	--	--

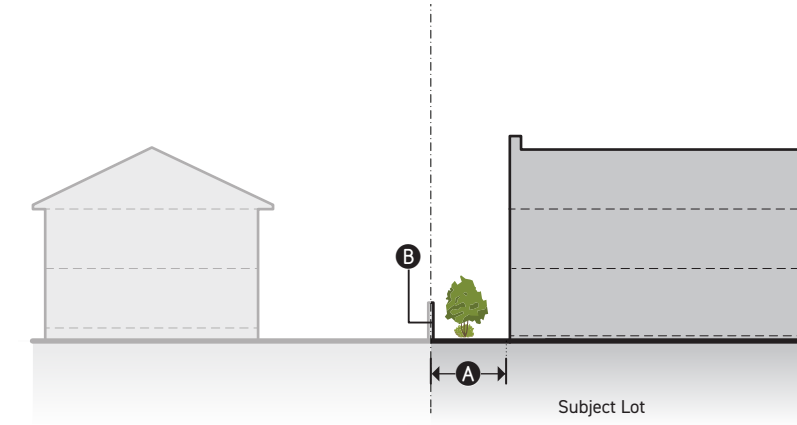
Key:

A = Type A transition type required
 B = Type B transition type required
 C = Type C transition type required
 -- = No transition required for subject lot

C. Transition Types

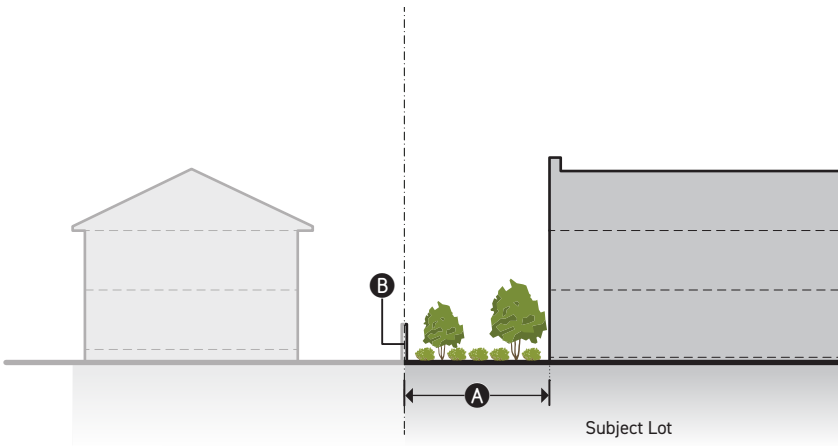
Required transition areas and upper-story step-backs must be located along applicable rear and alley lot lines extending inward to the subject property.

1. Type A



TRANSITION AREA	Alley	No Alley
A Depth (min)	3'	10'
B Transition screen (see 4.4.2)	None	Light

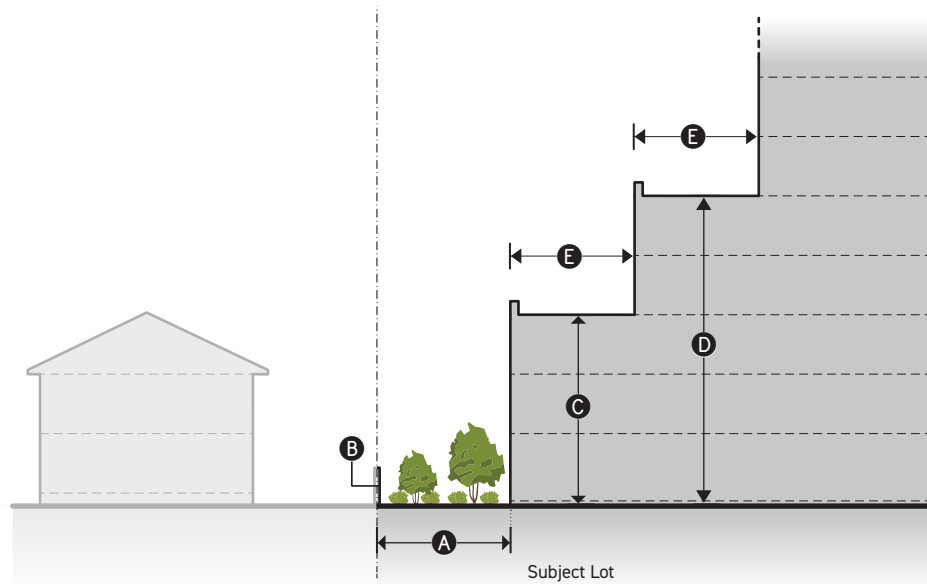
2. Type B



TRANSITION AREA	Alley	No Alley
A Depth (min)		
MX-, IX, IL	3'	20'
IH	30'	30'
B Transition screen (see 4.4.2)		
MX-, IX, IL	None	Moderate
IH	Heavy	Heavy

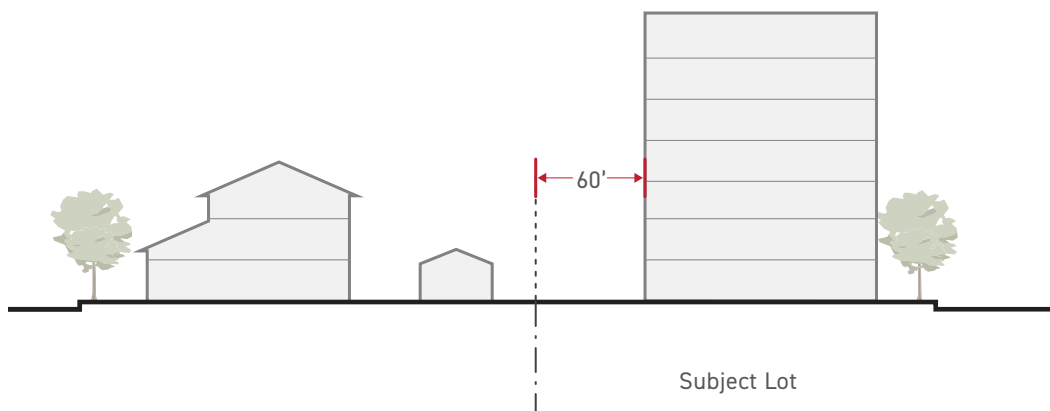
3. Type C

- a. The following upper-story backs are required.



TRANSITION AREA	<i>Alley</i>	<i>No Alley</i>
A Depth (min)	3'	20'
B Transition screen (see 4.4.2)	None	Moderate
UPPER-STORY STEP BACK		
C 1st step back (max stories/feet)	3/35'	
D 2nd step back (max stories/feet)	5/60'	
E Upper-story setback (min)	15'	

- b. When the entire building is set back at least 35 feet from the lot line, only one step back at the 5th story is required. When the entire building is set back from the lot line at least 60 feet, the building can go straight up, no step back is required.



4.4.2. Transition Screens

A. Intent

To protect and enhance the character and stability of neighborhoods by mitigating impacts from uses, activities, or site elements with significant impact on abutting lots.

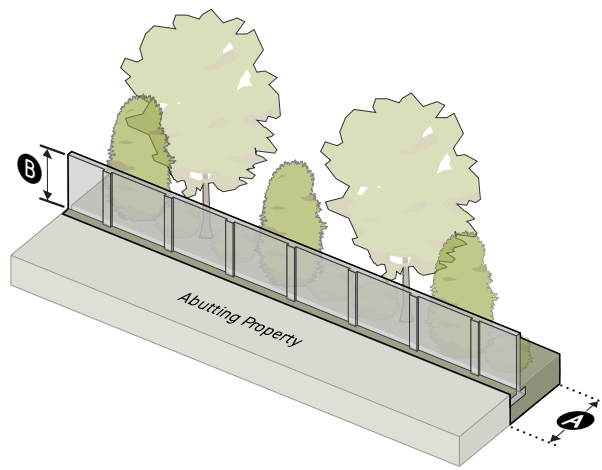
B. Applicability

1. A transition screen is required as specified by *4.4.1. Transitions*.
2. A transition screen may also be required as a use standard in *3.4. Specific Use Standards*.
3. In no case is more than one screening type required.
4. The transition screen must be located along the entire length of the applicable side or rear lot line. Breaks for vehicle and pedestrian access is allowed.
5. To allow for access for maintenance, required plantings must be located on the inside of a wall or fence.

C. Transition Screen Types

LIGHT TRANSITION SCREEN

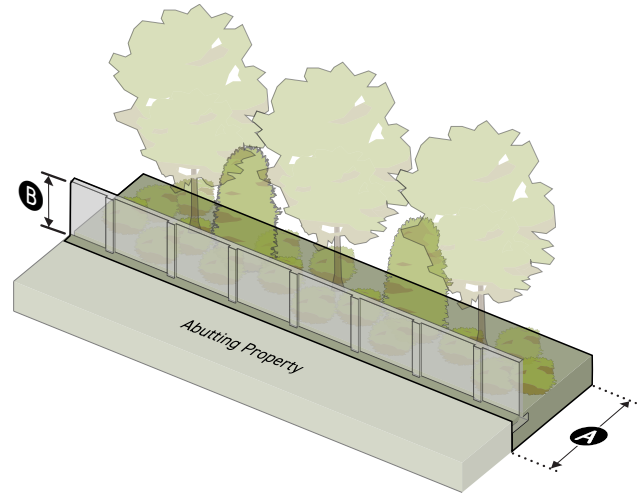
Narrow depth light landscape buffer.



LANDSCAPE	
A Depth (min)	10'
Landscaping (min per 50')	
Canopy trees	2
Understory trees	3
Shrubs	5
WALL OR FENCE	
B Height (min)	6'
Opacity (min)	90%
Setback from property line (min)	0'

MODERATE TRANSITION SCREEN

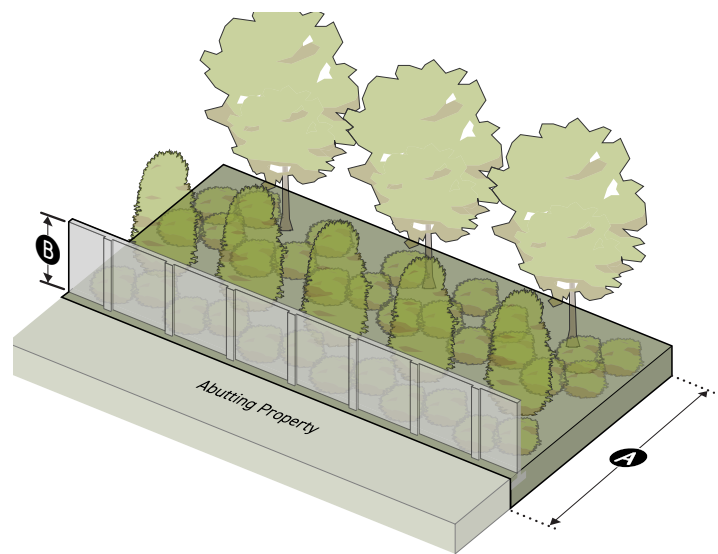
Medium depth moderate landscape buffer.



LANDSCAPE	
A Depth (min)	20'
Landscaping (min per 50')	
Canopy trees	3
Understory trees	2
Shrubs	16
WALL OR FENCE	
B Height (min)	6'
Opacity (min)	90%
Setback from property line (min)	0'

HEAVY TRANSITION SCREEN

Deep heavy landscape buffer.



LANDSCAPE	
A Depth (min)	30'
Landscaping (min per 50')	
Canopy trees	3
Understory trees	5
Shrubs	24
WALL OR FENCE	
B Height (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'

4.4.3. Frontage Screens

A. Intent

To screen the negative impacts of uses on the public realm, promoting visual interest and increasing comfort for uses of the adjacent streetscape.

B. Applicability

1. A frontage screen may also be required as a use standard in *3.4. Specific Use Standards*.
2. In no case is more than one screening type required.
3. The option of which screen to use within the required category is at the discretion of the applicant.

C. Standards

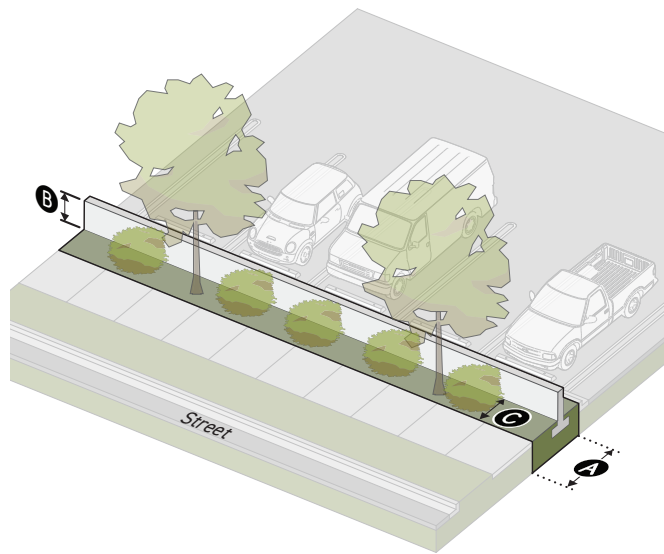
Frontage screening is required along street lot lines as specified in the table below:

Frontage Screen Type	
Outdoor Storage Areas	
Minor outdoor storage area	Moderate
Major outdoor storage area	Heavy
Vehicle Use Areas	
Loading/service area	Moderate
Drive-through area	Light
Parking area	Light
Vehicle sales area	Light
Utility Areas	
Utility area	Moderate

D. Frontage Screening Types

LIGHT FRONTAGE SCREEN-1

Narrow depth light landscape screen with a low wall or fence.



SCREENING AREA

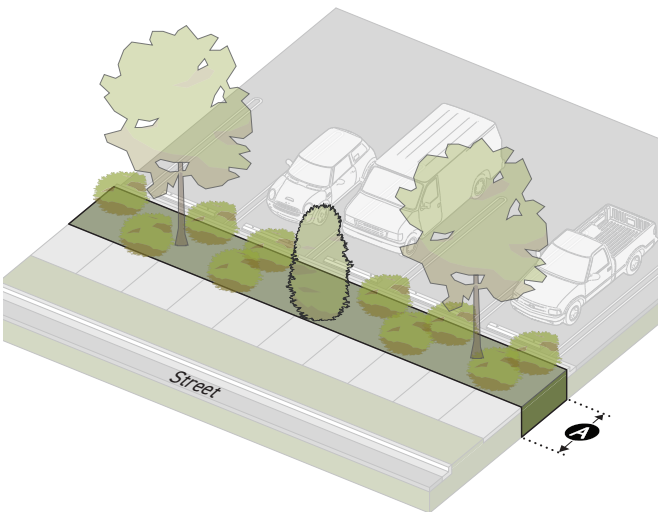
A Depth (min)	6'
Landscaping (min per 50')	
Canopy trees	2
Understory trees	0
Shrubs	5

WALL OR FENCE

B Height (min)	3.5'
Opacity	
3.5' and below (min)	90%
Above 3.5' (max)	50%
C Setback from property line (min)	3'

LIGHT FRONTAGE SCREEN-2

Medium depth light landscape screen with no wall or fence



SCREENING AREA

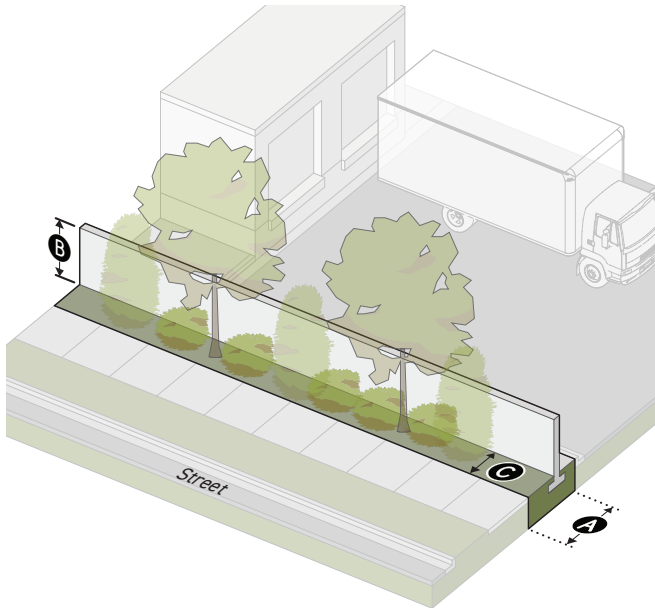
A Depth (min)	10'
Landscaping (min per 50')	
Canopy trees	2
Understory trees	1
Shrubs	10

WALL OR FENCE

Not required	
--------------	--

MODERATE FRONTAGE SCREEN-1

Narrow depth moderate landscape screen with a wall or fence.



SCREENING AREA

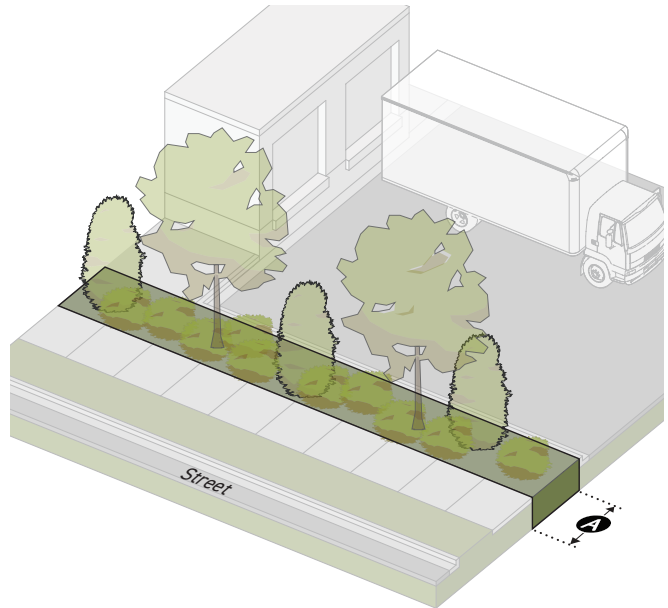
A Depth (min)	10'
Landscaping (min per 50')	
Canopy trees	2
Understory trees	3
Shrubs	5

WALL OR FENCE

B Height (min)	6'
Opacity (min)	90%
C Setback from property line (min)	3'

MODERATE FRONTAGE SCREEN-2

Medium depth landscape screen with no wall or fence.



SCREENING AREA

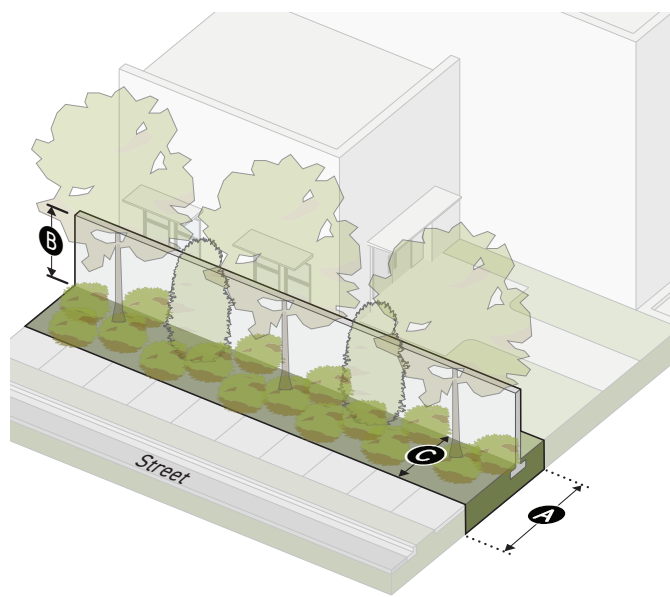
A Depth (min)	15'
Landscaping (min per 50')	
Canopy trees	2
Understory trees	3
Shrubs	10

WALL OR FENCE

Not required	
--------------	--

HEAVY FRONTAGE SCREEN-1

Medium depth landscape screening with a wall intended for high impact uses.



SCREENING AREA

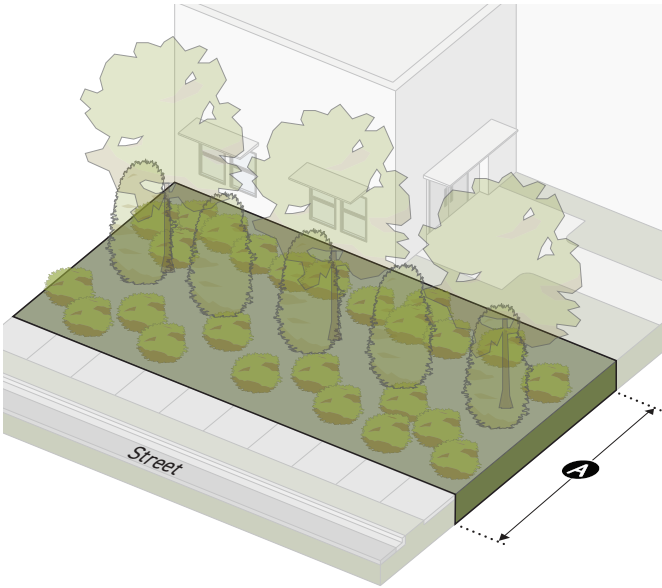
A Depth (min)	15'
Landscaping (min per 50')	
Canopy trees	3
Understory trees	2
Shrubs	16

WALL OR FENCE

B Height (min)	8'
Opacity (min)	90%
C Setback from property line (min)	3'

HEAVY FRONTAGE SCREEN-2

Deep landscape screening with no wall intended for high impact uses.



SCREENING AREA

A Depth (min)	30'
Landscaping (min per 50')	
Canopy trees	3
Understory trees	5
Shrubs	24

WALL OR FENCE

Not required

4.4.4. Requirements for All for Transition and Frontage Screens

A. Applicability

All required transition and frontage screens.

B. Permitted Activity within Transition and Screening Areas

1. No buildings or structures, except for walls and fences, are allowed in a transition or screening area.
2. Except when abutting an alley, no parking area, driveway or fire lane is allowed in the transition or screening area.
3. Vehicle and pedestrian passageways such as driveways, railroad right-of-way, and bicycle and pedestrian paths, and utilities can cross a transition or screening area, provided they cross at a maximum of 15 degrees from perpendicular.
4. Stormwater management facilities can be located in a transition or screening area.
5. No transition or frontage screen can obstruct the visibility of motorists, cyclists, and pedestrians at intersections or driveways - see *4.3.1.D. Sight Triangle*.

C. Vegetation

1. All required trees and shrubs must meet *4.5.3. Landscape Design*.
2. Where overhead utilities exist, 2 understory trees can be substituted for one canopy tree.
3. To the extent practical, natural vegetation must be used to meet the screening requirements. Where the natural vegetation is insufficient, supplemental plantings must be used.
4. Existing plant material on an abutting property can be credited toward the screening requirements, provided that the material is in a permanently protected area such as a conservation easement or similarly preserved area.

D. Walls and Fences

1. Walls and fences cannot exceed the maximum height requirements of *4.5.2. Fence and Wall Standards*.
2. All walls and fences must meet the design and installation standards of *4.5.2.E. Design and Installation*.

E. Width Modification

1. Transition and screening area width is calculated perpendicular to the property line, however, width modifications are allowed and calculated based on the average width of the transition or screening area per 100 feet.
2. In no case can the minimum width of the transition or screening area be less than one-half the required width.

4.4.5. Site Element Screens

A. Intent

To minimize effects on surrounding properties and visibility from the public realm of site elements including mechanical, electrical, or utility requirement and waste receptacles.

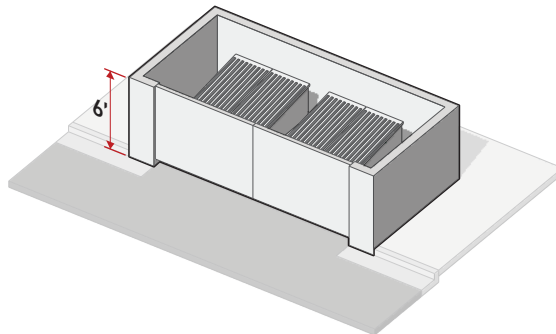
B. Applicability

1. Site element screening is required for all outdoor waste receptacle enclosures (with the exception of lots serving 3 or fewer dwelling units) and all outdoor mechanical or electrical equipment located on the roof of a building, or attached to the wall of a building, or on the ground.
2. Site element screening requirements do not apply to the following:
 - a. Electric vehicle charging infrastructure;
 - b. Solar panels, solar heaters, and wind turbines;
 - c. Phone or cable boxes;
 - d. Electrical meters; and
 - e. Gas meters, when 3 gas meters or less are located in a row.

C. Standards

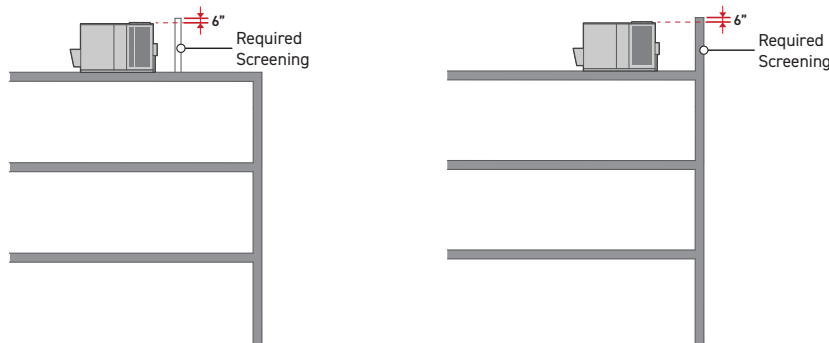
1. Waste Receptacle Screening

- a. Waste receptacles cannot be located in a front or side street yard. Waste receptacles must be located to the side or rear of buildings and must meet the encroachment requirements of [2.6.5.E](#).
- b. Outdoor waste receptacles must be screened on three sides by a wall or fence a minimum height of 6 feet.
- c. Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.
- d. The wall or fence and gate access screening must be at least 80% opaque.
- e. The wall or fence and gate must meet [4.5.2.E. Design and Installation](#).



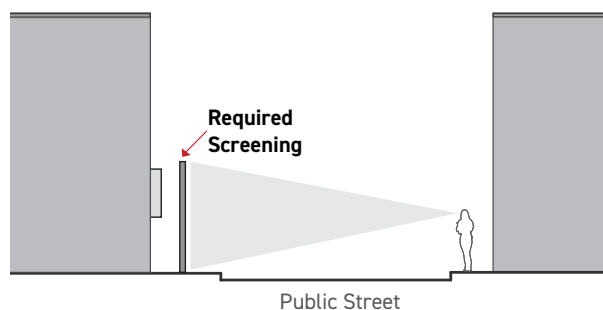
2. Roof-Mounted Equipment Screening

- a. Roof-mounted equipment must be screened on the roof edge side by a parapet wall or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.
- b. Roof-mounted equipment cannot exceed the encroachment requirements of 2.6.8.A.8.
- c. The screening must be at least 60% opaque.
- d. Screening must meet the standards of 4.5.2.E. *Design and Installation*.



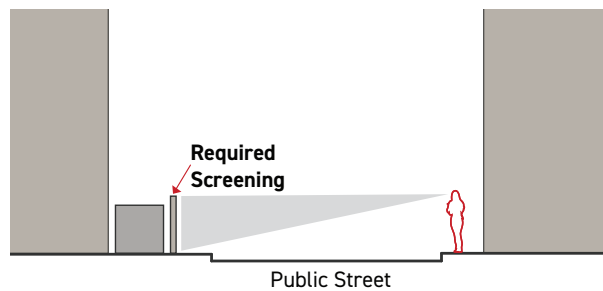
3. Wall-Mounted Equipment Screening

- a. Wall-mounted equipment cannot be located in a front yard. Wall-mounted equipment must be located in the side or rear yard and must meet the encroachment requirements of 2.6.5.E.
- b. Wall-mounted equipment visible from a street (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.
- c. The screening must be at least 60% opaque.
- d. Screening must meet the standards of 4.5.2.E. *Design and Installation*.



4. Ground-Mounted Equipment Screening

- a. Ground-mounted equipment cannot be located in a front yard or side street yard. Equipment must be located in the side or rear yard and must meet the encroachment requirements of 2.6.5.E.
- b. Ground-mounted equipment visible from a street (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least 6 inches higher than the topmost point of the equipment being screened.
- c. The screening must be at least 60% opaque.
- d. Screening must meet the standards of 4.5.2.E. Design and Installation.



SEC. 4.5. **LANDSCAPE**

4.5.1. **Tree Canopy**

A. Intent

To help ensure Richmond benefits from the planting and preservation of trees by enhancing aesthetic qualities across the City, controlling stormwater runoff and soil erosion, improving air quality, reducing the heat island effect, and maintaining and increasing tree canopy.

B. Applicability

Tree canopy is only required for projects that require site plan review, see [6.2.2](#).

C. Required Tree Canopy

1. All lots must include provisions for the preservation and planting of trees on the site to the extent that the following minimum tree canopy percentages, at 20 years from planting, are met:
 - a. RD-A District: 20% min.
 - b. RD-B District: 15% min.
 - c. All other districts: 10% min.
2. Trees required by the following standards may be counted toward the tree canopy requirement:
 - a. Parking lot trees required by [4.3.3. Parking Lot Landscaping](#); and
 - b. Screening trees required by [4.4.2. Transition Screens](#) or [4.4.3. Frontage Screens](#).

D. Existing Trees

1. Where the requirement can be met entirely with existing on-site trees, the following reduced minimum tree canopy percentages can be used.
 - a. RD-A District: 18% min.
 - b. RD-B District: 13% min.
 - c. All other districts: 8% min.
2. For existing trees to count toward the tree canopy requirement they must be at least 6-inch DBH.
3. A tree conservation plan prepared by an ISA Certified Arborist must be provided with measures to protect existing trees of at least 6-inch DBH during construction.
4. Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, cannot be included to meet the tree canopy requirement.

LANDSCAPE

5. Any portion of the tree canopy requirement that cannot first be met through the preservation of existing on-site trees must be provided through planting of new trees to meet the percentages in 4.5.1.C.

E. Deviations

A portion of the on-site tree canopy requirement may be met through the use of off-site tree banking or through a fee-in-lieu payment, when it can be demonstrated to the satisfaction of the Zoning Administrator that one or more of the following conditions exist:

1. Meeting the on-site tree canopy requirement would restrict the development intensity otherwise allowed by the zoning district.
2. Meeting the on-site tree canopy requirement would require the preservation of trees and forested areas that do not meet standards for health, structural condition, and other vegetation and risk management requirements.
3. Construction activities could be reasonably expected to impact existing trees or forested areas used to meet the tree canopy requirements to the extent they would not likely survive in a healthy and structurally sound manner for a minimum of 20 years.

F. Measurement of Tree Canopy

Tree canopy includes all areas of coverage by trees exceeding 5 feet in height and 6-inches in DBH, and the extent of planted tree canopy at 20 years maturity.

4.5.2. Walls and Fences

A. Intent

To facilitate natural surveillance and visual interest along the public realm while ensuring security and privacy for ground story uses in a manner appropriate to the context.

B. Applicability

1. Wall and fence standards apply to all lots.
2. Allowed wall and fence types for each zoning district are specified in the table below, unless:
 - a. Associated with a recreational facility, such as a tennis court; or
 - b. Associated with an electrical substation; or
 - c. As otherwise required by another local, state, or federal government rule or law.

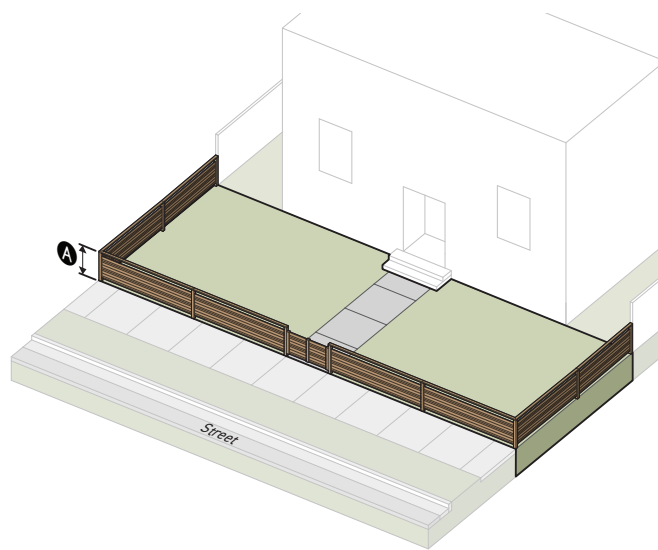
	RC	RD-A	RD-B	RD-C	RA	RM-	MX-	IX	IL	IH	CMP	INS	CEM	OS
Front	A	B	A	A	A	A	A	A	C	C	A	A	C	B
Side street	B	B	B	B	B	B	B	C	C	C	B	B	C	B
Side/rear/alley	D	D	D	D	D	D	D	E	E	E	D	D	D	D

3. If a screening requirement requires a taller wall or fence, the screening requirement supersedes.
4. An additional 1.5 feet of height is allowed for posts, columns and gates.

C. Front and Side Street Yards

FENCE/WALL TYPE A

Intended for front and side street yards where the need for natural surveillance and visual interest is balanced with the need for separation between private ground floor uses and sidewalks.

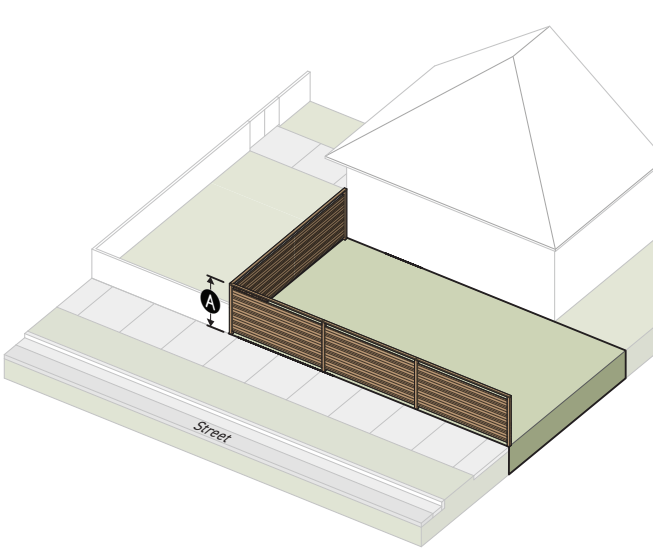


DIMENSIONAL STANDARDS

A Height (max)	4'
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FENCE/WALL TYPE B

Intended for front and side street yards where visual interest and activation along the public realm is less critical than the need for additional privacy and security.



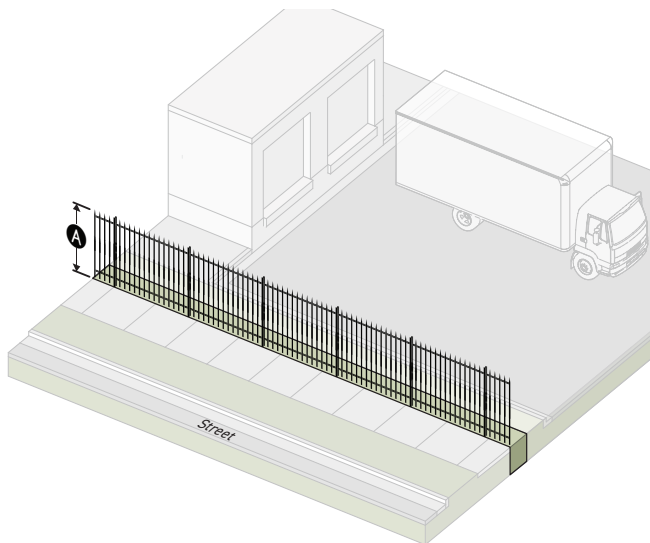
DIMENSIONAL STANDARDS

A Height (max)	6.5'
----------------	------

D. Side and Rear Yards

FENCE/WALL TYPE C

Intended for front and side street yards where additional screening and security is needed.

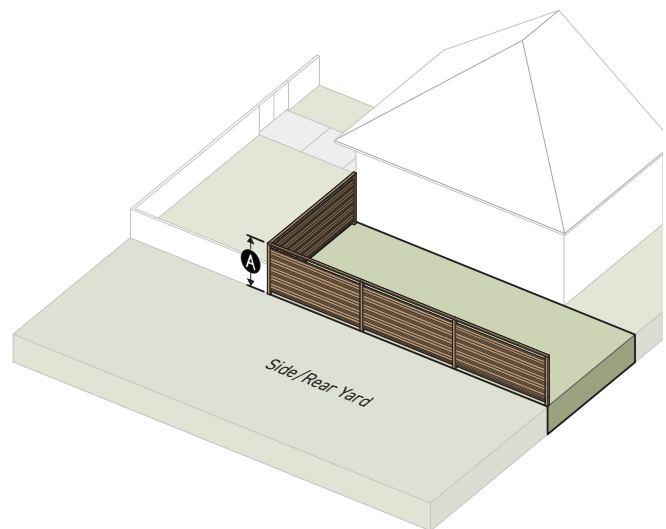


DIMENSIONAL STANDARDS

A Height (max)	8'
-----------------------	----

FENCE/WALL TYPE D

Intended for side and rear yards where visual interest and activation along the public realm is less critical than the need for additional privacy and security.

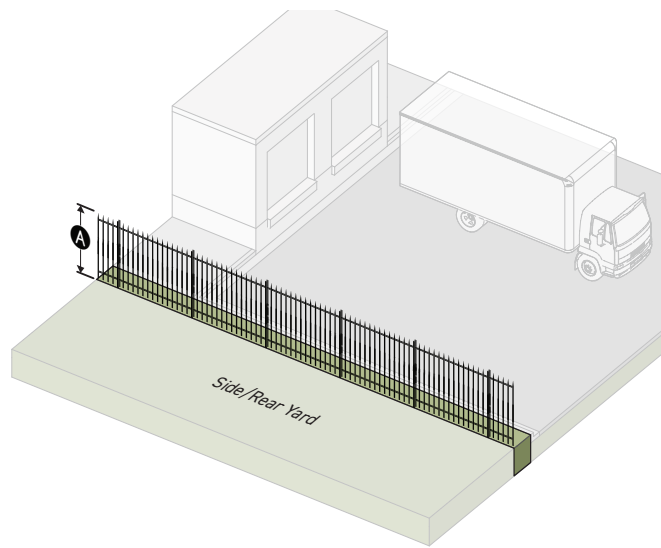


DIMENSIONAL STANDARDS

A Height (max)	6.5'
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FENCE/WALL TYPE E

Intended for side and rear yards where additional screening and security is needed.



DIMENSIONAL STANDARDS

A Height (max)	8'
----------------	----

E. Design and Installation

1. Walls

- a. Walls must be constructed from one or more of the following materials:
 - i. Architectural block;
 - ii. Brick;
 - iii. Exposed aggregate concrete;
 - iv. Stucco over concrete block; or
 - v. Stone, all in a safe and visually appealing condition.
- b. Exposed, plain, or painted concrete cinder block walls are not allowed.
- c. Other materials of similar construction, quality, and durability not listed may be allowed with approval by the Zoning Administrator.

2. Fences

- a. Fences must be constructed from one or more of the following materials:
 - i. Ornamental metal (aluminum/steel/iron).
 - ii. Wood boards/slats (e.g. cedar).
 - iii. Wood-like composite materials.
 - iv. Vinyl/PVC.
- b. No fence can be constructed of tires, junk, or other discarded or salvaged materials.
- c. Other materials of similar construction, quality, and durability not listed may be allowed with approval by the Zoning Administrator.
- d. Fences constructed of materials with a finished side must face the finished side toward the abutting property. If support posts are located or visible on one side only, that side is the unfinished side.
- e. The use of electric, razor wire, concertina wire, barbed wire, or similar fencing and materials must meet *Sec. 5-12. of Chapter 5, Building and Building Regulations of the City Code*.

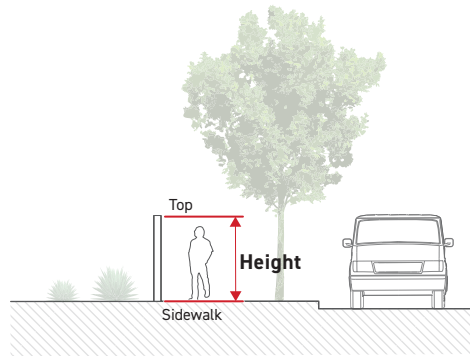
3. Location

- a. All parts of a wall or fence, including their sub-grade elements, such as footings or foundation, must be located on-site.
- b. No wall or fence is allowed within any required drainage or utility easement.
- c. No wall or fence can obstruct the visibility of motorists, cyclists, and pedestrians at intersections or driveways - see **4.3.1.D. Sight Triangle**.

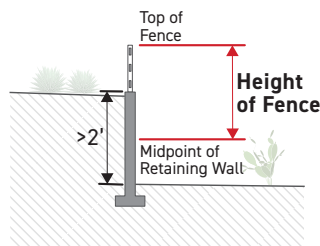
F. Measurement

1. Front and Side Street Yards

- a. Wall or fence height is measured from the abutting sidewalk to the topmost point of the wall or fence.

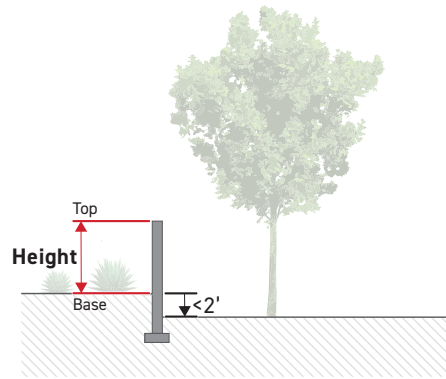


- b. If no sidewalk exists within 20 feet of the wall or fence, height is measured from the base of the wall or fence to the topmost point of the wall or fence, on the exterior side of the wall or fence.
- c. If a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the wall or fence to the midpoint of the retaining wall. If a guardrail is required on top of a retaining wall, the guardrail is exempt from the maximum height measurement.

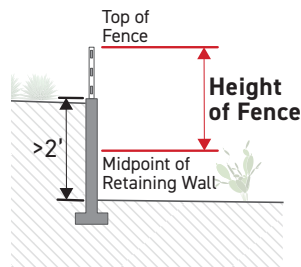


2. Side and Rear Yards

- a. If the difference in grade on either side of a wall or fence is less than 2 feet, height is measured from the base of the wall on the side with the highest grade.



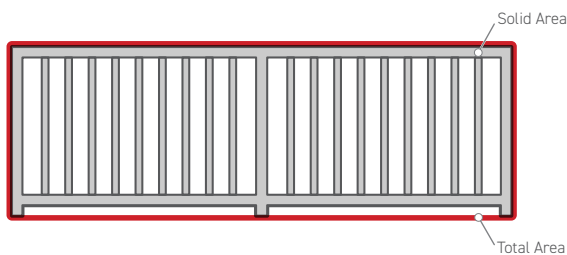
- b. If a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the wall or fence to the midpoint of the retaining wall. If a guardrail is required on top of a retaining wall, the guardrail is exempt from the maximum height measurement.



- c. Walls or fences abutting an alley in the rear or side yard are measured from the surface of the adjacent alley to the topmost point of the wall or fence. If the wall or fence is located on a slope of more than 2 feet above the surface of an alley, the height is measured from the top of the wall or fence to the midpoint of the slope.

3. Opacity

- a. Opacity is measured as a percentage, calculated by dividing the solid portion of the fence or wall by the total area of the wall or fence.
- b. The total area of the wall or fence is measured as the smallest regular shape containing all elements of the fence or wall, excluding the top portions of a finial or post.



$$\frac{\text{Solid Area}}{\text{Total Area}} = \text{Opacity (\%)}$$

- c. If the opacity requirement applies to a portion of the fence or wall, the total area to be measured is limited to that specified portion.

4.5.3. Landscape Design

A. Intent

To support a healthy urban ecological system by providing the necessary supplemental information for all applicable landscaping requirements in this Zoning Code.

B. Applicability

The landscape design standards apply to any plant material used to meet a requirement of this Zoning Code.

C. Basic Plant Types

There are 3 basic plant types referred to in this section, and all require the use of locally-adapted plants. They include canopy trees, understory trees, and shrubs, defined as follows:

1. Canopy Trees

- a. Large deciduous shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater.
- b. Large evergreen trees at least 20 feet tall at maturity that usually have green foliage throughout all seasons of the year.

2. Understory Trees

- a. Small deciduous trees or large deciduous shrubs with a mature height of 10 to 30 feet.
- b. Small evergreen trees or large evergreen shrubs at least 10 feet tall at maturity that usually have green foliage throughout all seasons of the year.

3. Shrubs

Prostrate or upright woody plants, either evergreen or deciduous, with a mature height usually less than 10 feet. Evergreen shrubs usually have green foliage throughout all seasons of the year.

D. Plant Material Requirements

Plant material must meet the minimum requirements listed below. When determining the quantity of plant material required, the quantity is rounded up to the nearest whole number.

1. Plant Materials, General

All plant material must meet or exceed size and shape relationships specified in the latest edition of The American Standard for Nursery Stock published by the American Association of Nurserymen.

2. Trees

a. Canopy Trees

- I. Canopy trees must be a minimum caliper size of 2.5 inches at the time of planting,
- II. Evergreen canopy trees must be a minimum height of 8 feet at the time of planting.

b. Understory Trees

- I. Understory trees with a single stem must be a minimum caliper size of 1-inch caliper and a minimum height of 8 feet at the time of planting.
- II. Understory trees with multiple stems must be a minimum height of 8 feet at the time of planting.
- III. Evergreen understory trees must be a minimum height of 6 feet at the time of planting.

c. Tree Spacing

- I. Canopy trees must be planted at least 18 feet apart.
- II. Understory trees must be planted at least 12 feet apart.
- III. The spacing between canopy and deciduous understory trees must be at least 6 feet.

3. Shrubs

- I. All shrubs must be cold hardy and heat tolerant.
- II. Upright shrubs must be a minimum of 15 inches in height at the time of planting.
- III. Shrubs cannot be planted closer than 3 feet on center. Shrubs cannot be planted closer than 3 feet to planted trees, or within 6 feet of existing protected trees; however, no more than 25% of the tree protection zone of an existing tree may be disturbed with new plantings.
- IV. When planted as a hedge, the maximum spacing for 24-inch high shrubs is 3 feet on center.

4. Plant Species List

- a. A list of recommended plant species is in the Department of Public Works Urban Forestry Division Approved Species List.
- b. When a species or cultivar is proposed for use but is not listed, a professional urban forester or certified plant professional must certify that the use of the plant material is appropriate for the intended use and location, and that it does not have invasive tendencies.

5. Groundcover and Mulch

- a. Groundcover can be planted around trees, provided they are located outside of the planting hole.
- b. Mulch must be used in all areas where no other ground cover or grass is used to avoid bare spots.

E. Maintenance

Unless otherwise stated, the owner of any property where landscaping is required is responsible for the maintenance of all required plant material (including street trees located off-site), fences and walls. Maintenance responsibilities includes the clearing and replacement of required material that is dead and/or dying.

SEC. 4.6. **SIGNS**

4.6.1. **General Provisions**

A. Purpose and Intent

1. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.
2. The purpose of this Section is to regulate the size, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, helping to ensure 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.
3. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted is deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Section 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 their intended purpose while balancing the individual and community interests identified in paragraph 2. above.
4. 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.

B. Interpretation

1. This Section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs.
2. This Section is interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision is found by a court of competent jurisdiction to be invalid, the finding does not affect the validity of other provisions of this Section which can be given effect without the invalid provision.

C. Applicability

1. The standards in this Section apply to signs in all districts as specified. No sign can be erected, placed, constructed, installed, attached, painted on, moved or altered except in conformity with all of the standards this Section applicable to the particular sign in the district in which it is located.
2. Signs on a lot containing a stadium structure with at least 3,000 seats are exempt from all sign regulations in this Section.

4.6.2. Sign Definitions and Calculations

A. Sign Defined

1. Sign means any object, device, display, or part of, visible from a public place, a public 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 the display.
2. Various kinds of signs are further defined in this section.

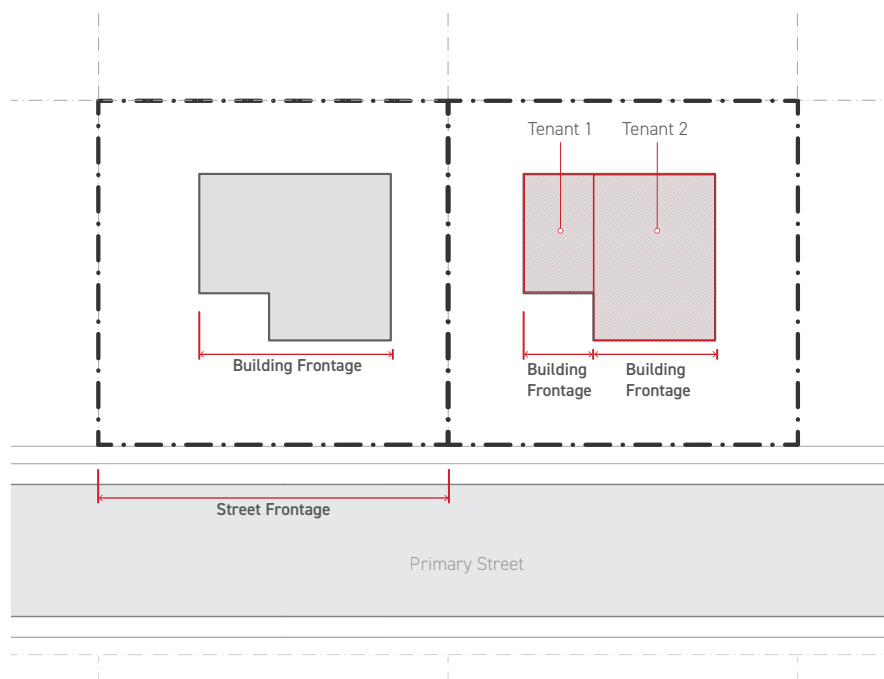
B. Permitted Sign Area

1. Street Frontage

- a. Street frontage is measured following the geometry of primary and street lot lines that bound the lot.
- b. Where more than one main building is located on a lot, permitted sign area is calculated for individual buildings and building frontage along a street, rather than for lots and street frontage.

2. Building Frontage

- a. Building frontage is measured as the width of the building’s exterior wall that faces the street.
- b. In the case of a building greater than 1 story in height, permitted sign area is calculated based on the frontage of the ground floor of the building or buildings located on the lot.
- c. For individual tenants, building frontage is measured for their individual length of building frontage.

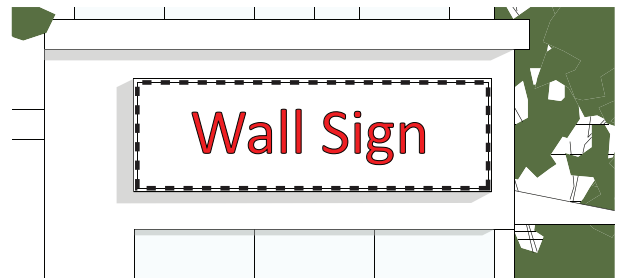
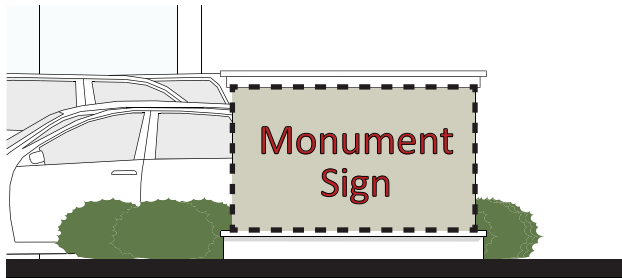


SIGNS**3. Signs Visible from any Street**

- a. Permitted sign area only applies to signs visible from a street. This include all signs on a lot which are located along a street in such manner that the faces of the signs are oriented to and viewed from any point along the street, as well as signs located on a side of a building in such manner as to be viewed from the same street.
- b. For a lot having multiple street frontages, the area of signs that can be viewed from more than one street are attributed to the street frontage along which such signs have the more direct orientation and are more easily visible.

C. Individual Sign Area

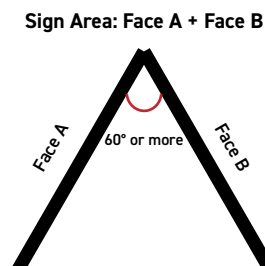
1. The area of a sign includes all lettering, wording, designs, and symbols, along with the background—whether open or enclosed—on which they are displayed. The supporting structure or bracing of a sign is not included in the sign area unless it is incorporated into the message or sign face. Any back-lit area is considered part of the sign face.



2. Where a sign consists of individual letters, words or symbols, the sign area is area of the smallest rectangle, circle or square which completely encompasses all the letters, words or symbols. Images, logos or text greater than 12 inches apart are calculated as separate signs for the purposes of calculating individual sign area.

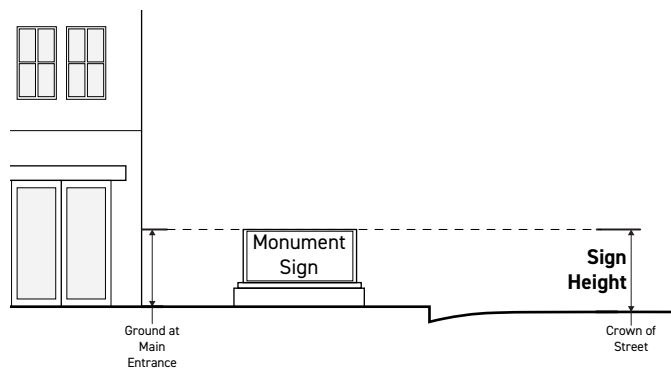
One Sign**Two Signs**

3. The area for a sign with more than one face is computed by adding together the area of all sign faces. Signs with identical sign faces placed in a manner to ensure that the angle at which the two sign faces are placed does not exceed 60 degrees, are considered to have a single face.



D. Sign Height

1. Sign height is measured as the vertical distance from the base of the sign at the computed grade to the top of the highest attached component, including the sign face, sign structure, and any other appurtenance.
2. Computed grade is the higher of:
 - a. The elevation at the nearest point to the proposed sign location of the crown of the nearest public street providing access; or
 - b. The grade of the land at the principal entrance to the principal structure on the lot.



4.6.3. Prohibited Signs

The following signs are not allowed, unless specifically allowed in a zoning district:

- A. Animated signs.
- B. Portable signs.
- C. 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 attract attention to any use other than noncommercial activity at a residential use.
- D. Vehicle or trailer signs.
- E. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
- F. Signs that emit sound.
- G. Off-premises signs.
- H. Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door.
- I. Any sign displayed without complying with all applicable regulations of this Zoning Code.

SIGNS

4.6.4. District Specific Sign Regulations

A. Allocation of Sign Area by Zoning District

1. Permitted sign area is determined by zoning district and is established in the following table.
2. For each cell in the table below, there is a maximum permitted sign area that may be utilized with any combination signs associated with that cell, subject to specific sign type requirements. For allowed sign type by district see **4.6.4.B.**
3. The measurement for "linear feet" is measured at grade.
4. For the purposes of calculating permitted sign area, signs allowed in **4.6.6** are exempt from the maximum permitted sign area.
5. In no case can the area of any individual sign allowed for a district exceed the permitted sign area in that district.
6. Any portion of the aggregate sign area permitted on a lot may be allocated to signs attached to a building and oriented to an alley abutting the lot.

RC, RD-, RA, & RM- Districts	
Building Signs Awning sign Canopy sign Projecting sign Suspended sign Wall sign	Sign Area for Building Signs (max) 1. Less than 100' of building frontage: 12 SF 2. 100' to 300' of building frontage: 20 SF 3. More than 300' of building frontage: 32 SF
Freestanding Signs Bracket sign Monument sign	Sign Area for Freestanding Signs (max) 1. Bracket sign: 9 SF per sign 2. Monument sign: 32 SF per sign
MX- & IX Districts	
Building Signs Awning sign Canopy sign Projecting sign Roof sign Suspended sign Wall sign Freestanding Signs Bracket sign Monument sign	Sign Area for All Building and Freestanding Signs (max) 2 SF per linear foot of building frontage: up to 200 SF, with a minimum of 50 SF.
IL & IH Districts	
Building Signs Awning sign Canopy sign Projecting sign Roof sign Suspended sign Wall sign Freestanding Signs Bracket sign Monument sign Pylon sign	Sign Area for All Building and Freestanding Signs (max) 3 SF per linear foot of street frontage: up to 300 SF, with a minimum of 50 SF.

CMP & INS District	
Building Signs Awning sign Canopy sign Projecting sign Suspended sign Wall sign Freestanding Signs Bracket sign Monument sign Pylon sign	Sign Area for All Building and Freestanding Signs (max) 3 SF per linear foot of street frontage: up to 300 SF, with a minimum of 50 SF.
CEM & OS Districts	
Building Signs Awning sign Canopy sign Projecting sign Suspended sign Wall sign Freestanding Signs Bracket sign Monument sign	Sign Area for All Building and Freestanding Signs (max) 48 SF.

SIGNS**B. Sign Types Allowed by Zoning District**

The following signs are allowed by zoning district. Specific requirements for each sign type are listed on the following pages.

	RC	RD-	RA, RM-	MX- IX	IL, IH	CMP, INS	CEM, OS	Standards
Building Signs								
Awning sign	□	□	□	■	■	■	■	4.6.4.C
Canopy sign	□	□	□	■	■	■	■	4.6.4.D
Projecting sign	□	□	□	■	■	■	■	4.6.4.E
Roof sign	--	--	--	■	■	--	--	4.6.4.F
Suspended sign	□	□	□	■	■	■	■	4.6.4.G
Wall sign	□	□	□	■	■	■	■	4.6.4.H
Freestanding Signs								
Bracket sign	□	□	□	■	■	■	■	4.6.4.I
Monument sign	○	○	○	■	■	■	■	4.6.4.J
Pylon sign	--	--	--	--	■	■	--	4.6.4.K
Special Signs								
Crown sign	--	--	--	■	■	■	--	4.6.4.L
Entrance sign	■	■	■	--	--	--	--	4.6.4.M
Off-Premise Signs	--	--	--	--	■	--	--	4.6.7

■ = Allowed

□ = Allowed for permitted Public & Institutional, Commercial, and Manufacturing & Industrial uses

○ = Allowed for permitted Public & Institutional uses only

-- = Not allowed

C. Awning Sign



1. Definition

A building sign painted, printed, sewn, or similarly attached to an awning as an integrated part of the awning itself.

2. General Standards

Any awning containing an awning sign must be attached immediately above the lintel.

No portion of any awning containing an awning sign can extend above any part of the windowsill level of the story, if any, above it.

An awning sign may be attached on the awning valance or the shed of the awning.

An awning sign is not allowed on awning ends.

An awning sign is not allowed above the ground floor of the building.

Any awning containing an awning sign cannot obscure distinctive or unique architectural elements

An awning sign cannot be illuminated.

3. Number of Signs

Maximum of 1 sign per awning.

4. Permitted Sign Area

Allocation of permitted sign area	See 4.6.4.A
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5. Districts Allowed

Sign type allowed by district	See 4.6.4.B
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6. Awning with Sign

A Depth (max)	10'
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B Height, including valance (max)	4'
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7. Individual Sign Dimensions

C Height (max)	50% of awning
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D Width (max)	75% of awning
---------------	---------------

E Clear height above sidewalk (min)	8'
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D. Canopy Sign



1. Definition		
A building sign attached to a canopy so that the display surface is parallel, or nearly so, to the plane of the front building front facade.		
2. General Standards		
Any canopy containing an canopy sign must be attached immediately above the lintel.		
No portion of any canopy containing an canopy sign can extend above any part of the windowsill level of the story, if any, above it.		
A canopy sign must be attached completely below or completely above the canopy fascia or completely within the perimeter limits of the canopy fascia.		
A canopy sign cannot extend outside the length of the canopy.		
A canopy sign is not allowed on canopy ends.		
A canopy sign is not allowed above the ground floor of the building.		
Any canopy containing an canopy sign cannot obscure distinctive or unique architectural elements		
A canopy sign must be constructed of individual freestanding letters, numbers, other characters, or logos		
A canopy sign can be externally or internally illuminated - see 4.6.8.		
3. Number of Signs		
Maximum of 1 sign per canopy		
4. Total Sign Area		
Allocation of permitted sign area		See 4.6.4.A
5. Districts Allowed		
Sign type allowed by district		See 4.6.4.B
6. Individual Sign Dimensions		
A	Height (max)	2'
B	Depth (max)	1'
C	Width (max)	75% of canopy
D	Clear height above sidewalk (min)	8'

E. Projecting Sign



1. Definition

A building sign attached to the face of a wall of a building so that the face of the sign is perpendicular or nearly perpendicular to the face of the wall.

2. General Standards

A projecting sign must be at least 25 feet from any other projecting sign.

A projecting sign cannot above the top of the building roof line or parapet.

A projecting sign can be externally or internally illuminated - see 4.6.8.

3. Number of Signs

Maximum of 1 sign per establishment or 25 feet of building frontage, whichever is greater.

4. Permitted Sign Area

Allocation of permitted sign area See 4.6.4.A

5. Districts Allowed

Sign type allowed by district See 4.6.4.B

6. Individual Sign Dimensions

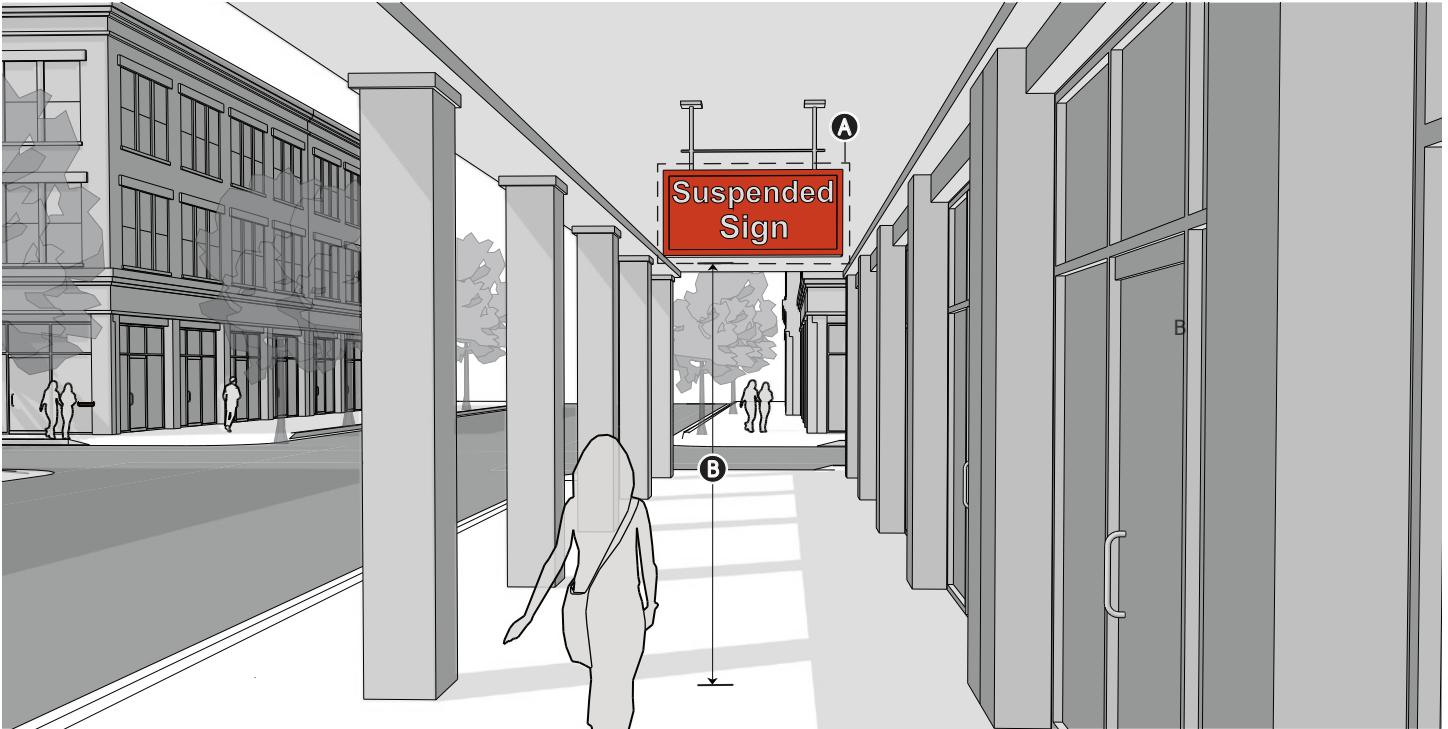
A Area (max)	60 SF
B Height (max)	12'
C Depth (min/max)	1.25'/6'
D Clear height above sidewalk (min)	8'

F. Roof Sign



1. Definition	
A building sign erected on a roof of a building consisting of channel letters, graphic segments, open lighting elements, or other open forms affixed to a non-solid panel sign support structure.	
2. General Standards	
A building can have a roof sign or a crown sign - a building cannot have both.	
A roof sign is only allowed on buildings at least 4 stories in height.	
A roof sign is only allowed on a flat roof.	
A roof sign can be externally or internally illuminated - see 4.6.8	
3. Number of Signs	
Maximum of 1 sign per building	
4. Permitted Sign Area	
Allocation of permitted sign area	See 4.6.4.A
5. Districts Allowed	
Sign type allowed by district	See 4.6.4.B
6. Individual Sign Dimensions	
A Area (max)	200 SF
B Height (max)	10'

G. Suspended Sign



1. Definition

A building sign attached to the underside of a beam or ceiling of a porch, arcade, gallery or similar covered area face that is perpendicular or nearly perpendicular to the face of the wall.

2. General Standards

A suspended sign must be at least 15 feet from any other suspended sign.

A suspended sign cannot be illuminated - see 4.6.8.

3. Number of Signs

Maximum of 1 sign per establishment or 15 feet of building frontage, whichever is greater.

4. Permitted Sign Area

Allocation of permitted sign area	See 4.6.4.A
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5. Districts Allowed

Sign type allowed by district	See 4.6.4.B
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6. Individual Sign Dimensions

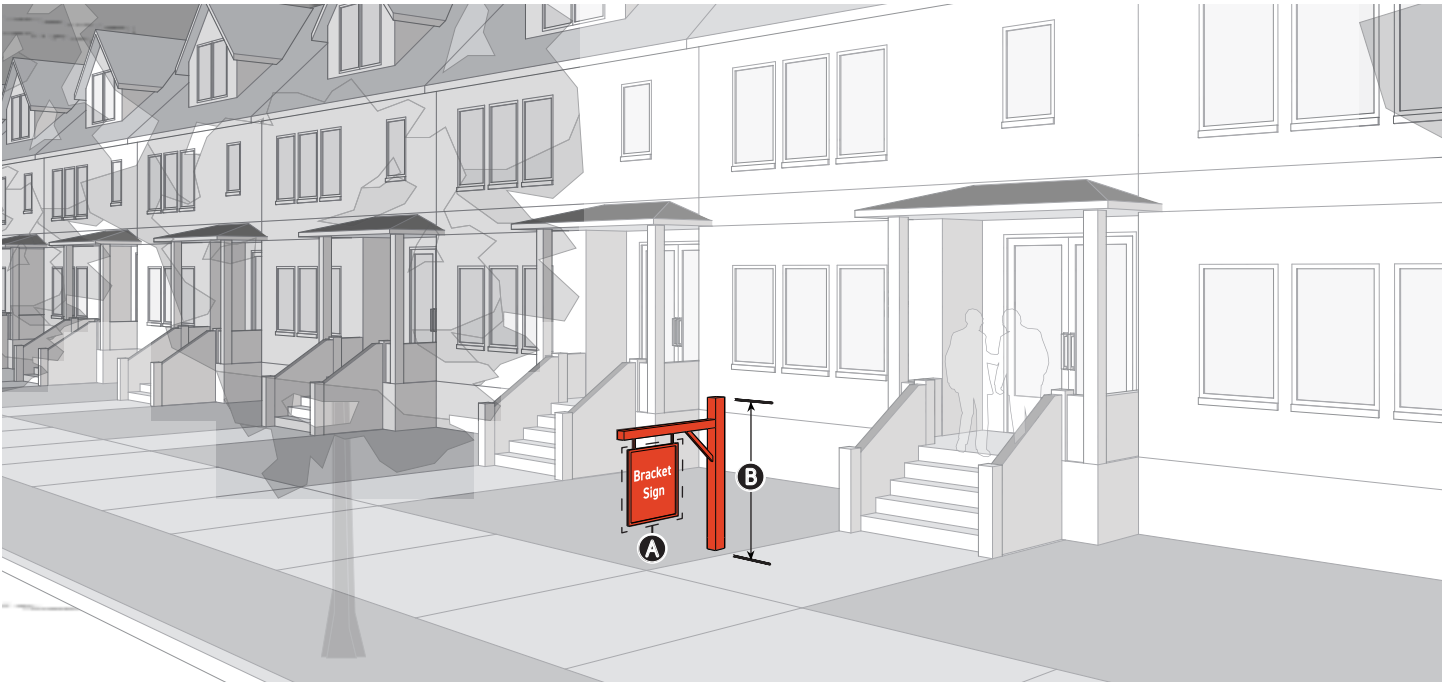
A Area (max)	6 SF
Depth (max)	1'
C Clear height above sidewalk (min)	8'

H. Wall Sign



1. Definition	
A building sign that is painted on or attached to a wall or parapet wall, window or other vertical surface of a building, which is parallel or nearly parallel to the surface to which the sign is attached.	
2. General Standards	
A wall sign must be located below the window sills of the 2nd story on a multi-story building or below the roof line on a single-story building.	
A wall sign cannot obscure distinctive or unique architectural elements	
No wall sign located in a Mixed Use, Commercial, or Industrial district can face an abutting lot located in an RC, RD-, RA, RM-A, or RM-B district unless separated by an off-street parking area serving the lot in the Mixed Use, Commercial, or Industrial district.	
The total area of all wall signs painted on a building wall cannot exceed 25% of the area of the wall.	
A wall sign can be externally or internally illuminated - see 4.6.8.	
3. Number of Signs	
There is not limit on the number of wall signs	
4. Permitted Sign Area	
Allocation of permitted sign area	See 4.6.4.A
Any portion of the permitted sign area may be allocated to wall signs attached to a building and oriented to an alley abutting the lot, provided that any sign adjacent to or across an alley from an RC, RD-, RA, RM-A, or RM-B district cannot be illuminated.	
5. Districts Allowed	
Sign type allowed by district	See 4.6.4.B
6. Individual Sign Dimensions	
A Area (max)	--
B Depth (max)	1.25'

I. Bracket Sign



1. Definition

A freestanding sign comprised of a vertical pole, a horizontal decorative sign support, and a suspended sign face.

2. General Standards

A bracket sign must be located at least 30 feet from any other freestanding sign

A bracket sign can only be externally illuminated - see 4.6.8.

3. Number of Signs

Maximum of 1 sign per street frontage or 25 feet of street frontage, whichever is greater.

4. Permitted Sign Area

Allocation of permitted sign area	See 4.6.4.A
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5. Districts Allowed

Sign type allowed by district	See 4.6.4.B
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6. Individual Sign Dimensions

A Area (max)	9 SF
B Height (max)	6'

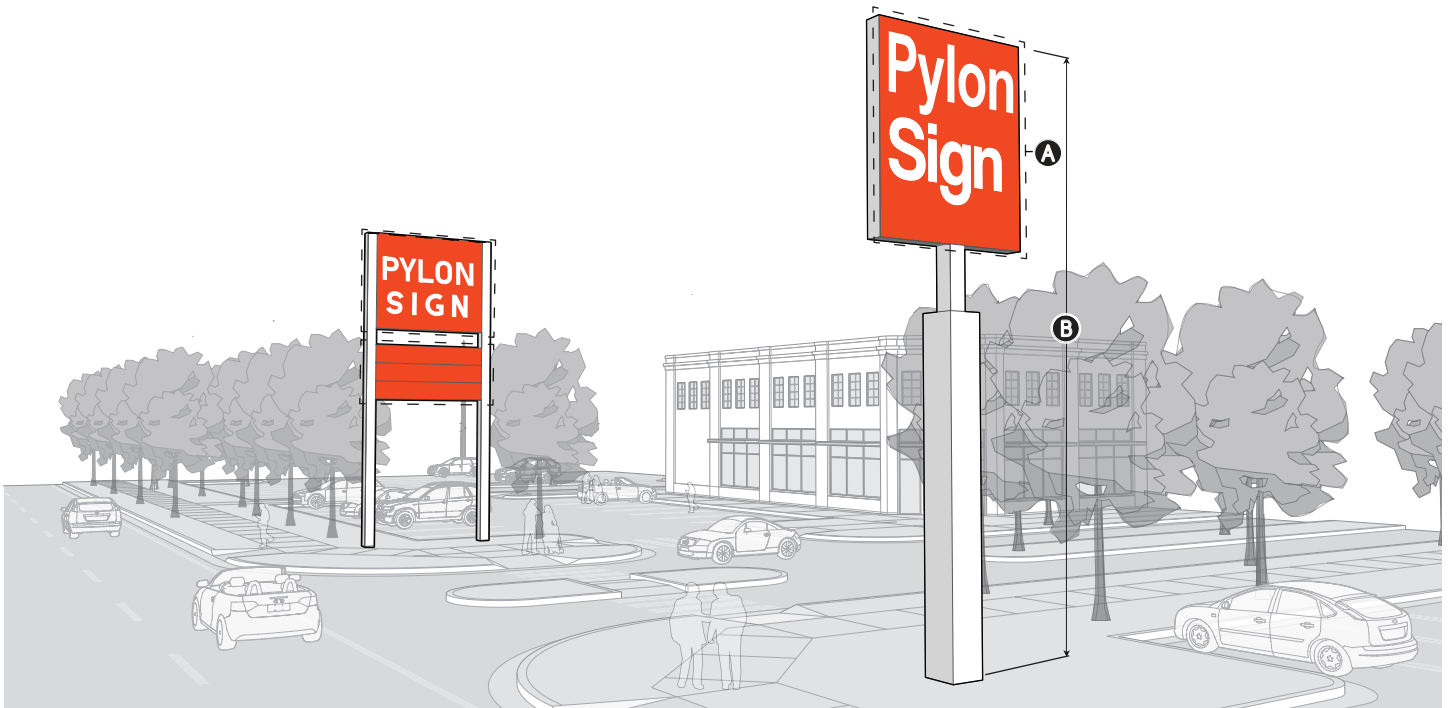
J. Monument Sign



1. Definition
A low freestanding sign attached to the ground along its entire length.
2. General Standards
A monument sign must be located at least 50 feet from any other freestanding sign
A monument sign must be set back at least 10 feet from any lot line.
A monument sign can be externally or internally illuminated - see 4.6.8.
3. Number of Signs
Maximum of 1 monument or pylon sign per street frontage.
Shopping centers with multiple street frontages get one additional monument sign per street frontage (this is in addition to the total permitted sign area for the district)

4. Permitted Sign Area	
Allocation of permitted sign area	See 4.6.4.A
5. Districts Allowed	
Sign type allowed by district	See 4.6.4.B
6. Individual Sign Dimensions	
A Area (max)	32 SF
B Height (max)	8'

K. Pylon Sign



1. Definition

A tall freestanding sign attached to the ground using one or more poles for support

2. General Standards

A pylon sign must be located at least 50 feet from any other freestanding sign

A pylon sign must be set back at least 10 feet from a street lot line and 20 feet from a common lot line.

A pylon sign can be externally or internally illuminated - see 4.6.8.

3. Number of Signs

Maximum of 1 monument or pylon sign per street frontage.

4. Permitted Sign Area

Allocation of permitted sign area See 4.6.4.A

5. Districts Allowed

Sign type allowed by district See 4.6.4.B

6. Individual Sign Dimensions

A Area (max)

CMP, INS 100 SF

IL, IH 300 SF

B Height (max)

CMP, INS 35'

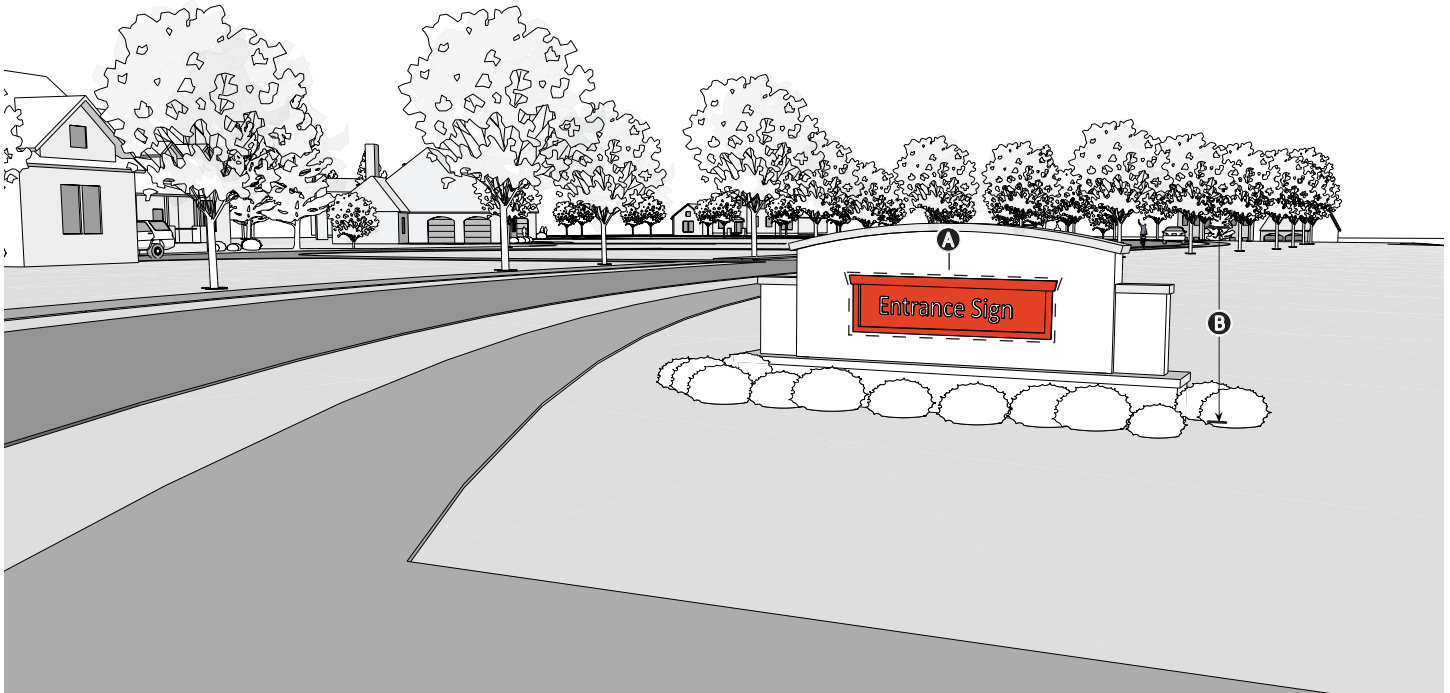
IL, IH 45'

L. Crown Sign



1. Definition	
A special sign attached flat to the exterior wall of a building, located on the upper band of the building.	
2. General Standards	
A building can have a crown sign or a roof sign - a building cannot have both.	
A crown sign is only allowed on buildings at least 4 stories in height, when no other signs are located on the same building facade above 35 feet.	
A crown sign cannot be placed below the start of the 4th story.	
A crown sign cannot extend above the top of the building roof line or parapet.	
A crown sign cannot obscure distinctive or unique architectural elements	
A crown sign can be externally or internally illuminated - see 4.6.8	
3. Number of Signs	
Maximum of 2 signs allowed per building, with a maximum of 1 sign per building facade.	
4. Total Sign Area	
--	--
5. Districts Allowed	
Sign type allowed by district	See 4.6.4.B
6. Individual Sign Dimensions	
A Area (max)	
4 to 6 stories	50 SF
7 to 10 stories	75 SF
10 to 20 stories	160 SF
More than 20 stories	300 SF
B Depth (max)	
3'	
Sign area for any building facade may be increased by up to 25% by transferring permitted sign area from another facade on the same building	

M. Entrance Sign



1. Definition

A special sign attached to the ground along its entire length placed near a entrance into a residential development.

2. General Standards

An entrance sign must be located within 25 feet of the residential subdivision or development entrance, measured from the point where the entrance driveway crosses the property line of the subdivision or development.

An entrance sign must be located at least 30 feet from any other freestanding sign.

An entrance sign must be set back at least 10 feet from any lot line.

An entrance sign can be externally or internally illuminated - see 4.6.8.

3. Number of Signs

Maximum of 2 signs allowed for each residential subdivision or development.

4. Total Sign Area

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5. Districts Allowed

Sign type allowed by district

See 4.6.4.B

6. Individual Sign Dimensions

A Area (max)

32 SF

B Height (max)

8'

4.6.5. General Requirements for All Signs

A. Maintenance and Removal of Signs

1. All signs must be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
2. All signs and their components must be maintained in good repair and in a safe, neat and clean condition.
3. The Building Official may cause to have removed or repaired immediately without written notice any sign which, in their 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 will be at the expense of the owner or lessee.
4. Not including any permitted off-premises signs, the owner of any sign used to attract attention to a commercial use, product, service, or activity and located on a lot on which the use or business has ceased operating must, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the lot.

B. Safety, Nuisance, and Abandonment

1. Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair must 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 *Code of Virginia*, § 15.2-900, 15.2-906, or 15.2-1115, as applicable.

C. Visibility at Intersections

Where a driveway intersects a right-of-way or where property abuts the intersection of two rights-of-way, an unobstructed sight distance must be provided at all times within the sight triangle area (see [4.3.1.D](#)).

D. Interference with Traffic

No sign may be located, arranged, designed or illuminated in such a manner that it interferes with traffic by any of the following means:

1. Glare;
2. Confusion with a traffic control device by reason of its color, location, shape, or other characteristic;
3. Similarity to or confusion with official signs, traffic signals, warning lights or lighting on emergency vehicles;
4. Any other means.

E. Encroachment or Extension Beyond Property Lines

1. No portion of any sign or its supporting structure may extend beyond the property lines of the lot on which it is located, provided that a sign allowed by this Zoning Code 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.
2. The area of such a sign is included in the calculation of permitted sign area.

4.6.6. Signs Allowed in All Districts

The following signs are allowed in all zoning districts, and the area of each sign is not included in calculating the maximum permitted area of signs permitted on any lot.

A. Minor Signs

Accessory sign that is subordinate in size, scale, and visual prominence to the principal sign serving the same lot, building, or use.

1. General

Incidental signs can be internally or externally illuminated, as specified in 4.6.8.

2. One- and Two-Unit Residential Uses

- a. Maximum area of an individual minor sign is 2 square feet.
- b. Maximum of 1 minor sign is allowed per lot.
- c. Can only be placed on a building.

3. All Other Uses

- a. Maximum total combined minor sign area is 85 square feet per lot.
- b. Maximum area of an individual minor sign is 20 square feet.
- c. If placed on the ground, an minor sign cannot be more than 5 feet in height and must be set back at least 5 feet from any lot line.
- d. Signs displayed on service station pump islands cannot exceed a total of 6 square feet per pump face within the pump island.
- e. Signs displayed on service station pump island canopies are included in the calculation of aggregate sign area permitted on a lot, cannot exceed 10 square feet each in area, and not more than 1 sign may be displayed on each side of a pump island canopy.

B. Temporary Signs

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..

SIGNS**1. General**

Temporary signs cannot be illuminated.

2. One- and Two-Unit Residential Uses

- a. Maximum total combined temporary sign area at any one time is 12 square feet per lot.
- b. Maximum area of an individual temporary sign is 6 square feet.
- c. Maximum of 2 temporary signs are allowed per lot at any one time.
- d. If placed on the ground, a temporary sign cannot be more than 3 feet in height and must be set back at least 3 feet from any lot line.
- e. Signs can be temporarily installed for a period not exceeding 30 consecutive calendar days, up to 2 times per 12 month period
- f. Signs on a building or lot that is for sale or rent can stay up indefinitely but must be removed once the building or lot is no longer for sale or rent.

3. All Other Uses

- a. Maximum total combined temporary sign area at any one time is 64 square feet per lot.
- b. Maximum area of an individual temporary sign is 32 square feet.
- c. Maximum of 4 temporary signs are allowed per lot at any one time.
- d. Signs can be temporarily installed for a period not exceeding 30 consecutive calendar days, up to 2 times per 12 month period.
- e. On construction sites, temporary signs can be installed for as long as active construction work is taking place, all temporary signs must be removed prior to the issuance of a Certificate of Zoning Compliance.
- f. Signs on a building or lot that is for sale or rent can stay up indefinitely but must be removed once the building or lot is no longer for sale or rent.
- g. If placed on the ground, a temporary sign cannot be more than 6 feet in height and must be set back at least 5 feet from any street lot line or 15 feet from any common lot line.

4. Temporary Signs for Subdivisions Under Development

- a. At the entrance of any approved subdivision that is under development, one temporary freestanding sign not to exceed 32 square feet is allowed, provided the sign is displayed for no more than 1 year after installation.
- b. The sign must be set back at least 5 feet from a street lot line and 15 feet from a common lot line.

C. Moveable Signs on Sidewalk

A movable sign wholly independent of a building for support but not permanently secured or attached to the ground located on a sidewalk.

1. One moveable sign is allowed for each street facing entrance, and no more than one may be placed per business on the same street face.
2. A moveable sign cannot be permanently attached in any way to the sidewalk, and cannot be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.
3. A moveable sign cannot be located within the right-of-way without a permit issued by the City.
4. The sign cannot impair the ability of pedestrians or cyclist to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.
5. The sign can be located no more than 10 feet from the main pedestrian entrance. This distance can be increased only by the minimum amount necessary to achieve the minimum width for pedestrian clearance.
6. Each moveable sign cannot exceed 2.5 feet in width and 4 feet in height.
7. The sign must be removed each day by the close of business.
8. The sign cannot be illuminated.

D. Governmental Signs

1. Signs may be erected by a governmental body or required to be erected by law.
2. Signs may be erected and maintained by a public utility showing the location of underground facilities or providing other information pertaining to public safety.

E. Historic Signs

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 *5.1. Old and Historic Districts*.

4.6.7. Off-Premise Signs

An off-premises sign is allowed in an IL or IH district provided the sign is oriented towards, visible from, and located within 660 feet of the right-of-way of an interstate highway, and further provided that:

- A. Any single off-premise sign does not exceed 700 square feet in area or 35 feet in height.
- B. An off-premise sign is at least 500 feet along the same side of the highway from another off-premise sign. The distance between signs is 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 each off-premise sign.
- C. An off-premise sign is not within 500 feet of an interchange. The distance from an interchange is 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 off-premise sign.

SIGNS

4.6.8. Sign Illumination

A. Prohibited Light Sources

The following light sources are not allowed:

1. Blinking, flashing and chasing.
2. Bare bulb illumination.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Direct reflected light that create a hazard to operators of motor vehicles.

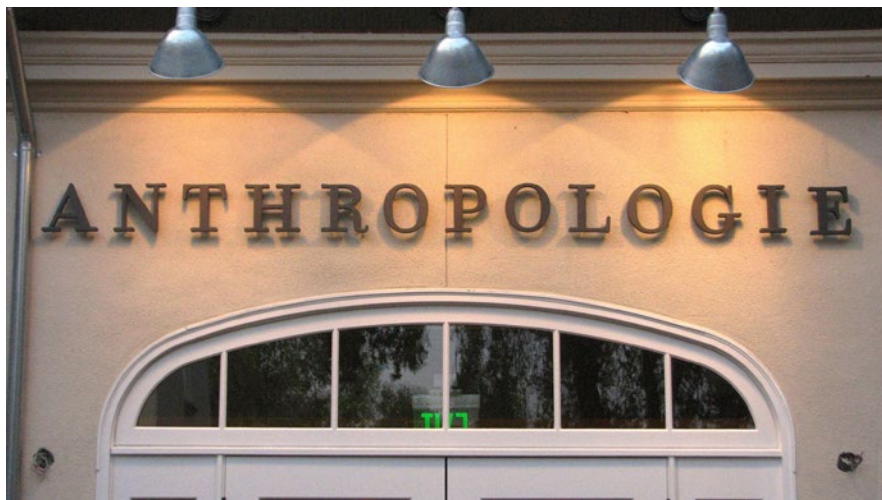
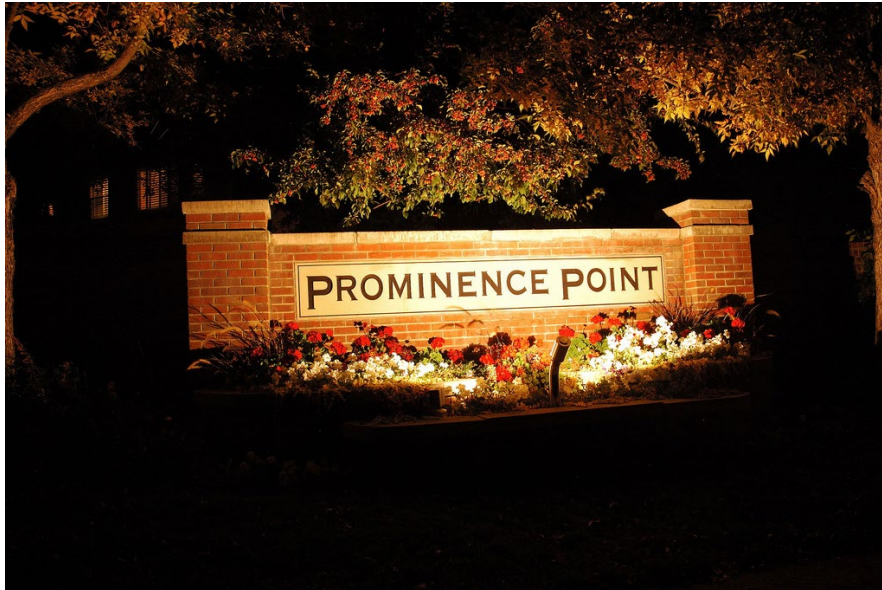
B. Internal Illumination

Illuminated signs using channel letters must be internally lit or back-lit.



C. External Illumination

Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.



D. Awnings and Canopies

Except for service station canopies, no awning or canopy, whether or not it contains any awning or canopy sign, can 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 to a building.

4.6.9. Nonconforming Uses and Nonconforming Signs

A. Signs Identifying Nonconforming Uses

1. On any lot utilized for a nonconforming use and located in an RC, RD-, or RA- district, one wall sign is allowed, provided that the sign does not exceed 12 square feet in area and is not be illuminated.
2. On any lot utilized for a nonconforming use and located in any district other than an RC, RD-, or RA- district, signs must conform to the sign regulations applicable in the district in which the lot is located.

B. Nonconforming Signs

A nonconforming sign may remain except as outlined below.

1. The owner of the property has the burden of establishing the nonconforming status of a sign and of the physical characteristics and location of the sign. Upon notice from the Zoning Administrator, a property owner must submit verification that the sign lawfully existed at the time of erection. Failure to provide verification is cause for an order to remove the sign or to bring the sign into compliance with [4.6. Signs](#).
2. A nonconforming sign cannot be enlarged, and no feature of a nonconforming sign, such as illumination, can be increased.
3. Nonconforming signs must be kept in good repair. Nonconforming signs cannot 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.
4. A nonconforming sign cannot be moved on the same lot or to any other lot unless the change in location makes the sign conforming.
5. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its area may be restored within 2 years after the destruction or damage but cannot be enlarged in any manner. If the sign is destroyed or damaged to an extent exceeding 50%, it cannot be reconstructed but may be replaced with a sign that meets [4.6. Signs](#).
6. A nonconforming sign that is changed to become conforming or is replaced by a conforming sign is no longer deemed nonconforming, and the sign must meet [4.6. Signs](#).
7. A nonconforming sign structure must be removed if the use to which it is accessory has not been in operation for a period of 2 years or more. The owner or lessee of the property must remove the sign structure. If the owner or lessee fails to remove the sign structure, the Zoning Administrator will give the owner written notice that the sign must be removed within 15 days after the notice is given. If the owner fails to comply with this notice, the Zoning Administrator may enter the property upon which the sign is located and remove any the sign or initiate action as may be necessary to bring the sign into compliance with [4.6. Signs](#). The cost of removal is chargeable to the owner of the property.

4.6.10. Unlawful Signs

Nothing contained in **4.6. Signs** may be construed to authorize or permit the continuance of any sign which in violation of this Zoning Code pertaining to zoning and preceding this Zoning Code, and any sign is not deemed to be nonconforming under this Zoning Code and is unlawful.

4.6.11. Certificate of Zoning Compliance

- A. Except as provided in paragraph **B.** below, any sign permitted by this Zoning Code 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 requires a Certificate of Zoning Compliance in **6.2.7.**
- B. Except as provided in paragraph **A.** above, the following signs, displays, and devices, do not require a Certificate of Zoning Compliance:
 - 1. Minor signs.
 - 2. Signs erected by a governmental body or required to be erected by law.
 - 3. Signs erected and maintained by a public utility showing the location of underground facilities or providing other information pertaining to public safety.

SEC. 4.7. **LIGHTING**

4.7.1. **Outdoor Lighting**

A. Intent

To provide exterior lighting standards to support a variety of environments and to minimize the negative impacts of lighting on adjacent uses and users of the public realm.

B. Applicability

1. New Fixtures

All outdoor on-site lighting fixtures installed after the effective date of this Zoning Code.

2. Existing Fixtures

- a. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
- b. The installation of new site lighting, replacement of existing lighting, and any modifications to light fixture wattage, fixture type, mounting, or fixture location must comply with the requirements of this Section.

3. Exemptions

The following lighting are exempt from the requirements of this Section:

- a. Lighting which is excluded from local regulation by State or Federal law.
- b. Construction, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued after completion of the project, emergency or holiday for which the lighting was provided.
- c. Lighting of the United States of America or Commonwealth of Virginia flags and other noncommercial flags expressing constitutionally protected speech.
- d. Security lighting controlled by sensors, generating a maximum of 6,000 lumens per fixture, and which provides illumination for 15 minutes or less. In RC, RD-, RA and RM- districts, security lighting must not generate more than 3,000 lumens per fixture.
- e. Low-voltage landscape lighting.
- f. Lighting solely for signs (see 4.6).
- g. Outdoor lights used exclusively for recreational activities, concerts, plays, sports or other outdoor events that are open to the public, provided that the light fixtures are located at least 100 feet from any adjacent residential use and the event or function meets all other applicable zoning requirements.
 - I. No limits in a MX-13 or MX-U district.
 - II. In all other districts, lights cannot be illuminated between the weekday hours of 11 PM and 7 AM and between the hours of 1 AM and 7 AM on Saturday and Sunday.

C. Prohibited Lighting Sources

The following light fixtures and sources are not allowed:

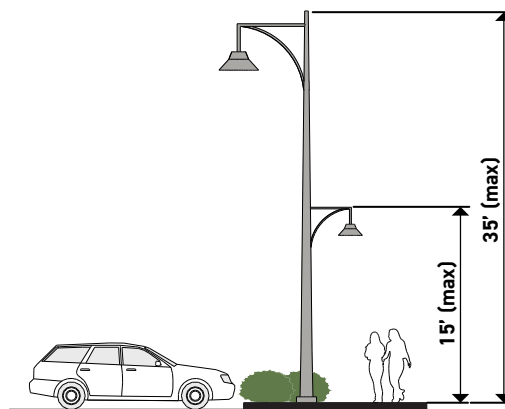
1. Cobra-head-type fixtures with dished or drop lenses or refractors, which contain sources that are not incandescent.
2. Temporary searchlights and other high-intensity narrow-beam moving fixtures that shine light directly up to the sky.
3. Blinking or flashing lights are not allowed unless the lights are used for construction, emergencies or holiday lighting.
4. The direct or reflected light from any outdoor light source must not create a traffic hazard to operators of motor vehicles or to operators of aircraft.
5. No colored lights may be used in such a way as to be confused or construed as street-traffic control or air-traffic control devices.

D. Design and Installation

1. Outdoor lights must not be oriented onto abutting properties or streets.
2. The maximum light level measured at any common line abutting a lot in an RC, RD-, or RA-district cannot exceed 0.5 horizontal footcandles.
3. The maximum light level measured at any common line abutting in all other districts cannot exceed 1.5 horizontal footcandles.
4. Service connections for all new freestanding outdoor lights must be installed underground.

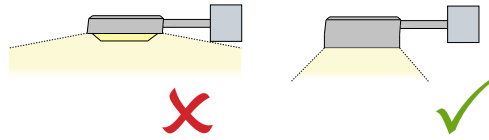
E. Parking Area Lighting

1. Parking areas and parking lots (including parking structures) must be provide lighting during the non-daylight hours. The intensity of illumination cannot be less than 0.5 horizontal footcandle at any location, provided that in no case can the intensity of illumination exceed 0.5 horizontal footcandle at any property line abutting a lot in an RC, RD-, RA, or RM- district.
2. The lighting maximum-to-minimum ratio cannot exceed 15:1.
3. Light fixtures within parking lots and motor vehicle use areas can be no higher than 35 feet.
4. Light fixtures within pedestrian areas mounted on poles can be no higher than 15 feet.

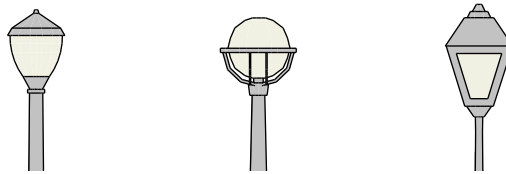


LIGHTING

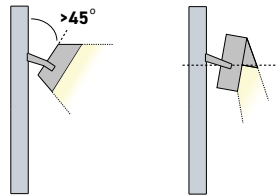
5. All light fixtures must be full cutoff (shielded), except as listed below.



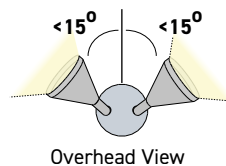
6. Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9,500. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

**F. Flood Lights and Flood Lamps**

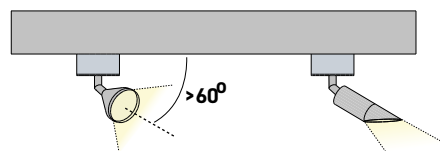
1. Flood light fixtures must either be aimed down at least 45 degrees from vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



2. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.



3. All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

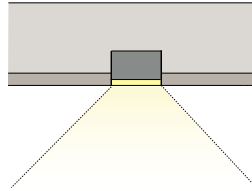


G. Canopies

Outdoor lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:

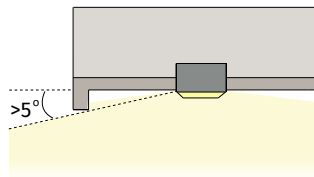
1. Recessed

Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.



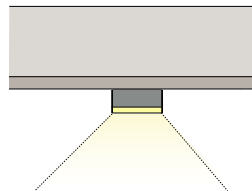
2. Shielded

Light fixture incorporating shields or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.



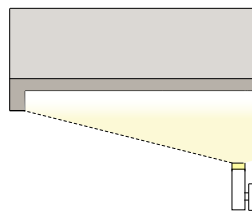
3. Surface Mounted

Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.



4. Indirect

Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.



LIGHTING**H. Building Lighting**

1. Outdoor lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
2. All wall pack fixtures must be full cutoff fixtures.



3. Only lighting used to accent architectural features, landscape or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

ARTICLE 5.

OVERLAY DISTRICTS

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SEC. 5.1. OLD AND HISTORIC DISTRICTS

5.1.1. Applicability

This Section applies 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.

5.1.2. Definitions

The definitions in ~~7.2~~ apply, except as modified or supplemented below.

Alteration. 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. 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. The dismantling or tearing down of all or a part of any building or structure and all operations, including grading, incidental to the demolition work.

Exterior architectural features. 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. 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. 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. 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 10 feet in length.

New construction. 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. 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. Any portion of the City designated in accordance with this division and subject to the review of the Commission of Architectural Review.

Public view. Visible from a public right-of-way or public place.

Site. Any parcel of unimproved property, a parking lot or a park within an Old and Historic District.

Site improvements. 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. 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.

5.1.3. 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:

- A. The identification, designation, and protection of historic resources throughout the City.
- B. The promotion of harmony of style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.
- C. The recognition and protection of appropriate settings and environments for historic districts, buildings, structures and sites.
- D. The enhancement of the quality of life for residents and the providing of attractions to visitors by preserving the historic resources of the City.
- E. The education of residents and visitors about the City's historic resources.
- F. The incorporation of historic preservation into the permit review process of the City.

5.1.4. Process for Establishment and Regulation

A. Scope

- 1. There may be created in the City certain districts to be known as Old and Historic Districts, which are referred to in this Section and which are an overlay to the other zoning districts into which the City is divided.
- 2. The boundaries of any districts created must 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 by reference and made a part of this Section. See also [6.2.4. Zoning Amendments](#).
- 3. Materials documenting the process of establishing an Old and Historic District must be kept in the files of the Department of Planning and Development Review.

OLD AND HISTORIC DISTRICTS

4. The adoption, amendment or repeal of any boundaries of an Old and Historic District must 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 Code.

B. Process for Creation of Districts

1. 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.
2. Any individual or organization may request that the Commission initiate the review of a potential Old and Historic District.
3. The review of a proposed Old and Historic District is at the discretion of the Commission. However, it must 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.
4. To begin the review process of a proposed Old and Historic District, the Commission must pass a resolution instructing the Secretary to begin administration of the review process.

C. Commission Review; Public Hearing

1. To begin the review process for the creation of an Old and Historic District, the Commission of Architectural Review must 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.
2. Notice of the public hearing must be published twice in a daily newspaper of general circulation in the City. The first notice must be published not less than 14 days prior to the date of the hearing; the second must be published not less than 7 days prior to the date of the hearing.
3. In addition, the establishment of an Old and Historic District must follow the procedures in **6.2.4. Zoning Amendments**.
4. The Commission may choose to have additional procedures for the review of Old and Historic Districts in its rules of procedure.

D. Criteria for Establishment of Additional Districts

1. The following criteria must be used by the Commission of Architectural Review in evaluating potential Old and Historic Districts.
2. 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:
 - a. It has significant character, interest or value as a part of the historic development of the City.
 - b. It is the site of a historic event which had a significant impact on the history of the City.
 - c. It exemplifies the architectural, cultural, economic, social, political, artistic, or religious history of the City.
 - d. It portrays the architectural character of a particular era in the history of the City.

- e. 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. 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.
 - f. It contains elements of design, detail, material or craftsmanship that represent a significant innovation for its time period.
 - g. 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.
 - h. It constitutes a landmark of the City, owing to its unique location or unusual physical characteristics.
 - i. It is contiguous with a neighborhood, district, building, structure, or site that meets one or more of the criteria in paragraphs 2.a through 2.h above, and changes to it could impact the neighborhood, district, building, structure or site that meets such criteria.
3. All Old and Historic Districts created prior to the adoption of the ordinance from which this section is derived is deemed to meet one or more of these criteria.

E. Relation to Other Districts

Old and Historic Districts are in addition to the underlying zoning and are applied so as to overlay and be superimposed on other zoning districts as permitted by this Zoning Code and shown on the Official Zoning Map. Any property lying within an Old and Historic District also lies within one or more of the other zoning districts, which are 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 apply to property within the boundaries of the Old and Historic District.

5.1.5. Establishment of Particular Old and Historic Districts

The provisions of this Section apply to the following districts, which are established and designated as Old and Historic Districts.

The Barret House Old and Historic District
Belgian Building Old and Historic District
Bolling Haxall House Old and Historic District
Boulevard Old and Historic District
Broad Street Old and Historic District
Centenary United Methodist Church Old and Historic District
Chimborazo Park Old and Historic District
Church Hill North Old and Historic District
Crozet House Old and Historic District
Glasgow House Old and Historic District

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Hancock-Wirt-Caskie House Old and Historic District
Henry Coalter Cabell House Old and Historic District
Hermitage Road Old and Historic District
Jackson Ward Old and Historic District
Jefferson Hotel Old and Historic District
John Marshall House Old and Historic District
Leigh Street Baptist Church Old and Historic District
Linden Row Old and Historic District
Mason's Hall Old and Historic District
Mayo Memorial House Old and Historic District
Monument Avenue Old and Historic District
William W. Morien House Old and Historic District
Norman Stewart House Old and Historic District
Old Stone House Old and Historic District
Pace House Old and Historic District
St. Andrew's Episcopal Church Old and Historic District
St. John's Church Old and Historic District
St. Paul's Episcopal Church Old and Historic District
St. Peter's Catholic Church Old and Historic District
Second Presbyterian Church Old and Historic District
Shockoe Slip Old and Historic District
Shockoe Valley Old and Historic District
Sixth Mount Zion Baptist Church Old and Historic District
Springhill Old and Historic District
Stonewall Jackson School Old and Historic District
Talavera Old and Historic District
The Two Hundred Block West Franklin Street Old and Historic District
Union Hill Old and Historic District
Valentine Museum and Wickham-Valentine House Old and Historic District
Virginia House Old and Historic District
West Franklin Street Old and Historic District
West Grace Street Old and Historic District
White House of the Confederacy Old and Historic District
Wilton Old and Historic District
Joseph P. Winston House Old and Historic District
Woodward House-Rocketts Old and Historic District
Zero Blocks East and West Franklin Street Old and Historic District

5.1.6. Certificate of Appropriateness

A. Approval Required

1. No building or structure or any exterior portion, sign or paving can be constructed, altered, reconstructed, repaired, restored or demolished within any Old and Historic District unless the building or structure or any exterior portion, 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.
2. All approvals must be evidenced by a Certificate of Appropriateness. No permit to construct, alter, reconstruct, repair, restore or demolish any building, structure or site must be issued by the Commissioner of Buildings unless the applicant has first obtained approval of a Certificate of Appropriateness for the work.

B. Submission of Application

1. An application for Certificate of Appropriateness required pursuant to this section must be submitted to the Secretary of the Commission of Architectural Review in writing by the owner of the building or structure.
2. When a work-in-street, land-disturbing, building, sign or demolition permit is required, the applicant must apply for other necessary permits at the same time an application for a Certificate of Appropriateness is submitted.
3. The application for the Certificate of Appropriateness must be accompanied by a fee as set forth below and plans and specifications which must show the proposed exterior architectural features of such building or structure, which must include but, is 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 the application with the Secretary of the Commission, the Secretary must promptly transmit it with the plans and specifications to the Commission.

Sign, patio, fence, or wall; or building, structure, or other improvement for which no building permit is required	
Administrative approval	\$50
Exterior alteration with no change in floor area	\$100
Exterior alteration, addition, or partial demolition with change in floor area	\$200
New construction	\$200
Full demolition	\$200
Extension of approved Certificate of Appropriateness	\$50
Amendment to approved Certificate of Appropriateness	\$100
Appeal of approved or disapproved Certificate of Appropriateness	\$400
Principal use of 1 or 2 dwelling units	
Administrative approval	\$50
Exterior alteration with no change in floor area	\$100
Exterior alteration, addition, or partial demolition with change in floor area	\$400

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New construction	\$800
Full demolition	\$1,600
Extension of approved Certificate of Appropriateness	\$50
Amendment to approved Certificate of Appropriateness	\$100
Appeal of approved or disapproved Certificate of Appropriateness	\$400
Other uses, less than or equal to 5,000 square feet and less than or equal to 3 stories	
Administrative approval	\$100
Exterior alteration with no change in floor area	\$200
Exterior alteration, addition, or partial demolition with change in floor area	\$800
New construction	\$1,600
Full demolition	\$3,200
Extension of approved Certificate of Appropriateness	\$100
Amendment to approved Certificate of Appropriateness	\$200
Appeal of approved or disapproved Certificate of Appropriateness	\$800
Other uses, greater than 5,000 square feet or greater than 3 stories	
Administrative approval	\$150
Exterior alteration with no change in floor area	\$300
Exterior alteration, addition, or partial demolition with change in floor area	\$1,200
New construction	\$2,400
Full demolition	\$4,800
Extension of approved Certificate of Appropriateness	\$150
Amendment to approved Certificate of Appropriateness	\$300
Appeal of approved or disapproved Certificate of Appropriateness	\$1,200
The fee for any Certificate of Appropriateness or appeal is doubled for any development activity performed without first obtaining a Certificate of Appropriateness.	

C. Approval or Disapproval of Application and Issuance

Upon receipt of a completed Certificate of Appropriateness application pursuant to this section, the Commission of Architectural Review must approve or disapprove the application and, if approved, issue a Certificate of Appropriateness, with or without conditions or with modifications of the plans and specifications as the Commission of Architectural Review deems necessary to execute the purpose of 5.1.3 and to require compliance with the regulations set out in this Section. Otherwise, the plans and specifications are deemed rejected, and the Commission will 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. The Commission will review and discuss the proposal with the applicant and make any necessary recommendations. The conceptual review is advisory only.

E. Notification to Public

The Secretary must 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 must be published at least 7 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, in an Old and Historic District, the property owners of all property or portions of property located within 150 feet of the project must be notified of the prospective change and of the date, time, and place of the meeting at which the change will be considered by the Commission. The notice must be by regular mail and mailed at least 7 days prior to the meeting.

F. Scope of Review

A Certificate of Appropriateness is 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 must 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

1. The Commission of Architectural Review may choose to delegate certain types of applications for a Certificate of Appropriateness for review by the Secretary.
2. The Commission must designate the items which are subject to review and issue guidelines for the Secretary to conduct the review.
3. Any application for a Certificate of Appropriateness for any 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 must schedule the application for Commission consideration at its next meeting. The Secretary must keep a record of all such approvals and provide the Commission with a report of all new approvals at each of its regular meetings.

I. Normal Maintenance and Repair

Nothing in this Section can 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 Section can be construed to prevent the construction, reconstruction, alteration or demolition of any building or feature which the Commissioner of Buildings determines is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the Commissioner of Buildings must 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 cannot 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.

5.1.7. Standards and Guidelines

A. General Standards

The Commission of Architectural Review must 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 must evaluate the significance of each property on a case-by-case basis. The historic character of each Old and Historic District is 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 must 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 must be preserved whenever possible. Significant historic features of a property must 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 must 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 must 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 is 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 in-feasibility 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 must 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 Signs

The Commission of Architectural Review must 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 the district. The guidelines are advisory only and cannot replace the review required by this Section.

H. Architectural Guidelines for Use by Secretary

The Commission of Architectural Review may adopt design guidelines for any Old and Historic District for standard design features that are uniformly applicable within the district by the Secretary conducting a review pursuant to *5.1.6.H. Delegation of Applications for Review by Commission Secretary*.

5.1.8. Appeal of Decision

A. Appeal to City Council

1. Any person aggrieved by a decision of the Commission of Architectural Review pertaining to issuance or denial of a Certificate of Appropriateness may appeal the decision to the City Council, by filing a petition with the City Clerk.
2. A fee as set forth in *5.1.6.B.3* must accompany each petition, which fee must be paid into the City treasury.
3. The City Clerk must send copies of the petition to each member of the City Council and to the Secretary of the Commission. The petition must state in writing the alleged errors or illegality of the Commission's action and the grounds of the petition, specifically including any and all procedures, standards or guidelines alleged to have been violated or misapplied by the Commission.

4. The petition must 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 stays all proceedings from the decision appealed, except that a decision denying a request for demolition in an Old and Historic District is not be stayed.

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 must 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 must send copies of all information filed by the Commission to each member of the City Council.

C. Review by City Council

1. The City Council must 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, 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.
2. The failure of the City Council to modify or reverse the decision of the Commission within 75 days, excluding City holidays and days on which the City government is closed due to a local emergency properly declared, from the date the petition is filed constitutes affirmation of the Commission's decision, unless:
 - a. All parties to the appeal agree in writing to extend such period of time, in which case the period of time must be extended as provided in the agreement; or
 - b. The Council has introduced a resolution to modify or reverse the decision of the Commission within 75 days, excluding City holidays and days on which the City government is closed due to a local emergency properly declared, from the date the petition is filed, in which case the period of time during which the Council may modify or reverse the decision of the Commission shall be extended until the date of the City Council meeting for which the Council has scheduled a public hearing to consider the resolution

D. Appeal to Circuit Court

1. Any person with standing may appeal a decision of the City Council to affirm, modify or reverse a decision of the Commission to the circuit court for review by filing a petition at law.
2. The petition must state in writing the alleged illegality of the action of the City Council and the grounds for the petition, specifically including any and all procedures, standards or guidelines alleged to have been violated or misapplied by the City Council.
3. The petition must be filed within 30 days after the decision of the City Council. The filing of the petition stays the decision of the City Council, except that a decision denying a request for demolition in an Old and Historic District is not stayed.

4. A copy of the petition must be delivered to the City Clerk, who must file with the circuit court a certified or sworn copy of the records and documents considered by the City Council.

E. Review by Circuit Court

The Circuit Court will review the record, documents and other materials filed by the City Clerk. 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.

F. Additional Rights of Owners to Demolish Certain Properties

1. Procedures

The following are procedures entitling owners to demolish properties:

- a. In addition to the right of appeal in *5.1.8. Appeal of Decision*, the owner of a building or structure, the razing or demolition of which is subject to review, must, as a matter of right, be entitled to raze or demolish the building or structure provided that:
 - I. The owner has applied to the Commission of Architectural Review and, if denied, to the City Council for the right;
 - II. The owner has, for the period of time established in the time schedule in paragraph 2. below and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure and the pertaining land 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 pertaining land; and
 - III. No bona fide contract binding upon all parties must 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 established in the time schedule contained paragraph 2. below.
- b. 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 relating to a stay of the decision appealed from, do not affect the right of the owner to make the bona fide offer to sell referred to in this section. No offer to sell can be made more than 12 months after a final decision by the City Council, but after that the owner may renew the request to the City Council to approve the razing or demolition of the historic landmark, building or structure.

2. Time Schedule

The time schedule for offers to sell pursuant to this section is as follows:

- a. 3 months when the offering price is less than \$25,000;
- b. 4 months when the offering price is \$25,000 or more but less than \$40,000;
- c. 5 months when the offering price is \$40,000 more but less than \$55,000;

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- d. 6 months when the offering price is \$55,000 or more but less than \$75,000;
- e. 7 months when the offering price is \$75,000 or more but less than \$90,000; and
- f. 12 months when the offering price is \$90,000 or more.

G. Notice Required

1. Before making a bona fide offer to sell as provided for in this section, an owner must first file a statement with the Secretary of the Commission of Architectural Review, and the owner must publish the notice twice, not less than 7 days apart, in a daily newspaper of general circulation in the City.
2. The statement must identify the property, state the offering price, and state the date that the offer for sale is to begin and the name of the real estate agent, if any. No time period begins to run until the statement has been both filed and published.

H. Unauthorized Demolition, Razing, or Moving

1. Any person who is responsible for the razing, demolition, or moving of a building or structure that is located in an Old and Historic District in violation of this Section and is liable for a monetary civil penalty equivalent to twice the market value of the razed, demolished, or moved building or structure on the property as determined by the assessed value of the property at the time of the razing, demolition, or moving of the building or structure.
2. The City Attorney enforces this subsection by bringing an action in the name of the City in the circuit court. The filing of an action pursuant to this subsection does not preclude action by the Zoning Administrator pursuant to the general laws of the Commonwealth in either a separate action or as part of the action seeking a civil penalty as authorized by this subsection.

SEC. 5.2. DESIGN OVERLAY DISTRICTS

5.2.1. Purpose

- A. 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.
- B. 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.
- C. Only exterior changes to buildings, structures and sites visible from the primary street lot frontage on which they are located are 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 of this Section, 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.

5.2.2. Applicability

This Section applies generally to designated design overlay districts and are for the purpose of setting the means of establishing and administering the 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.

5.2.3. Definitions

The definitions in ~~7.2~~ apply, except as modified or supplemented below.

Alteration. 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. 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. The dismantling or tearing down of all or a part of any building or structure and all operations, including incidental grading.

Design Overlay District. Any portion of the City designated in accordance with this Section.

Exterior architectural features. 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

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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. 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. 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. Buildings, structures, and other improvements visible from the primary street lot frontage on which they are located.

5.2.4. Process for Designation

A. Scope

1. Design overlay districts may be created which are an overlay to the other zoning districts.
2. The boundaries of any districts created must be shown on the Official Zoning Map on file with the Department of Planning and Development Review.
3. Materials documenting the process of establishing a Design Overlay District must be kept in the files of the Department of Planning and Development Review. The Planning Director may establish additional procedures for the establishment of Design Overlay Districts.
4. The adoption, amendment or repeal of any boundaries of a Design Overlay District must comply with and be subject to all procedures and criteria in the Charter applicable to the adoption, amendment or repeal of the comprehensive zoning plan.

B. Requests for Designation

The Department of Planning and Development Review as designated through a Planning Commission resolution, property owners of no less than 50% of total lots within the intended overlay area, or an organization shown to represent a majority of the residents of an intended Design Overlay District (the Applicant), has the ability to request designation of a Design Overlay District. The applicant requesting designation must submit a written report to the Planning Director that contains the following:

1. A justification of why Design Overlay District designation is needed.
2. A description of the following in the neighborhood:
 - a. Unique established neighborhood character;
 - b. Architectural coherence and harmony; and
 - c. Vulnerability to deterioration.
3. 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.

4. Buildings, structures, and other improvements visible from the primary street lot frontage on which they are located.
5. A reproducible map showing the proposed district's boundaries with street names clearly displayed and an explanation of why the boundaries are appropriate.
6. A draft of specific design guidelines for the proposed Design Overlay District and how the guidelines relate to inventory characteristics.
7. A statement of the level of neighborhood and property owner support for Design Overlay District designation.
8. A description of the Applicants activities reflecting progress towards Design Overlay District designation to date.
9. Any additional information that the Planning Director determines to be necessary.

C. Public Information Meeting

1. The staff of the Department of Planning and Development Review must review the report submitted by the neighborhood organization pursuant to paragraph **B.** above .
2. Upon acceptance of the form and content of the report, the Applicant must hold a public information meeting. The Planning Director may agree to assist the Applicant with any aspect of planning, noticing, or operation of the meeting.
3. The neighborhood organization must 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 must 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

1. Pursuant to this section, the Applicant must 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.
2. The Department of Planning and Development Review must create and provide to the Applicant the necessary list of addresses. The Planning Director may agree to assist the Applicant with any aspect of the mailing, where appropriate. Respondents have no less than 60 days to respond. A majority of respondents must indicate support to move forward.
3. If the majority of the responding property owners indicate support for the designation, the Applicant's report must be presented to the Urban Design Committee and the Planning Commission.
4. Upon a favorable recommendation of the Planning Commission, an ordinance must be prepared designating the Design Overlay District.
5. A separate ordinance is required for each Design Overlay District.

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6. The ordinance must be reviewed by the Urban Design Committee and a recommendation must be forwarded to the Planning Commission who must review the ordinance and forward a recommendation to the City Council.
7. The City Council must take final action on the proposed Design Overlay District after holding a public hearing.

E. Relation to Other Districts

Design overlay districts are in addition to the underlying zoning and are applied as an overlay and are superimposed over other zoning districts and shown on the Official Zoning Map. Any property lying within a Design Overlay District also lies within one or more other zoning districts, which are known as underlying districts.

F. Application of District Regulations

Each Design Overlay District is established to create a review process as provided in this Section. In all other respects, the land use regulations normally applicable within the underlying zoning district apply to property within the boundaries of the Design Overlay District.

5.2.5. Specific Districts Established and Designated

This Section is applicable within the following districts, which are established and designated as design overlay districts:

- A. West of the Boulevard Design Overlay District.

5.2.6. Design Guidelines of Specific Districts

- A. Each Design Overlay District must have its own specific design guidelines which are developed by the neighborhood organization requesting Design Overlay District designation.
- B. The design guidelines must further the specific purposes of Design Overlay District designation in the neighborhood organization's written report as required in **5.2.5.B. Requests by Neighborhood Organization; Report**. Nothing in the design guidelines is intended to usurp the rights that property owners have under this Zoning Code.
- C. The design guidelines for a specific Design Overlay District must be reviewed by the Urban Design Committee and be adopted by resolution of the Planning Commission after holding a public hearing.
- D. The design guidelines may be amended by resolution of the Planning Commission after holding a public hearing. The Planning Director may establish additional procedures for giving public notice.

5.2.7. Process for Administration**A. Approval Required**

1. No building or structure or any exterior portion of a building or structure, sign or driveway can be constructed, altered, reconstructed, repaired, restored or demolished within any Design Overlay District unless the building or structure or any exterior portion a building or structure, 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 of the adopted design guidelines of the particular Design Overlay District in which the property is situated.

2. All approvals must be evidenced by a certificate of approval.
3. No permit to authorize any new construction, alteration or demolition or to erect any sign or to install any driveway can be issued by the responsible City agency unless the applicant has first obtained a certificate of approval for the work.

B. Scope of Review

A certificate of approval is only required for 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 Section, in which the property is situated.

C. Administration

1. Design overlay districts are administered through the building permit and Certificate of Zoning Compliance application processes in accordance with 6.2.5 and 6.2.7, and such other permit approval processes of any agency of the City that affect any feature of the district design guidelines.
2. Applications for all permits on properties situated in a Design Overlay District must be forwarded to the Zoning Administrator by the responsible City agency. The Zoning Administrator must determine if a Certificate of Approval is required by the adopted design guidelines for the particular Design Overlay District in which the property is situated and, if the determination is made, the Zoning Administrator must forward the plans to an appointed designee of the Urban Design Committee for review.
3. The Planning Director may establish additional procedures and guidelines for the administration of Design Overlay Districts.

D. Conceptual Review of Plans

1. 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.
2. The appointed designee of the Urban Design Committee may review and discuss the proposal with the applicant and make any necessary recommendations. The conceptual review is advisory only.

E. Permit Review and Additional Submission Requirements

1. 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 located on property within a designated Design Overlay District, the appointed designee of the Urban Design Committee must review the plans for conformance with the adopted design guidelines for the particular Design Overlay District.

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2. 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 is 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.

F. Approval or Disapproval of Application of Certificate of Approval

1. 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 must approve, with or without conditions, or disapprove and must notify in writing the neighborhood organization which requested Design Overlay District designation for its neighborhood.
2. If the plans are approved, the designee of the Urban Design Committee must issue a Certificate of Approval, with or without conditions, and the applicant must post the Certificate of Approval on the exterior of the property within public view within 2 calendar days after the granting of approval.
3. The certificate of approval must remain posted for 30 consecutive days. The designee of the Urban Design Committee must note approval, with or without conditions, or note disapproval on the building permit or other applicable permit.

G. Reason for Action

The appointed designee of the Urban Design Committee must clearly state the reason for approval or disapproval of the plans on the building permit or other applicable permit.

H. Normal Maintenance and Repair

Nothing in this Section can 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 Section can be construed to prevent the construction, reconstruction, alteration or demolition of any building or feature which the Commissioner of Buildings determines is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the Commissioner of Buildings must provide notice to the appointed designee of the Urban Design Committee.

5.2.8. Appeal of Decision**A. Appeal to Urban Design Committee**

1. Any person aggrieved or any officer, department, board, commission or agency of the City affected may appeal the decision of the designee of the Urban Design Committee made pursuant to this Section to the Urban Design Committee by filing a petition with the Secretary of the Urban Design Committee.

2. The petition must be filed within 30 days after the final written decision of the designee approving or disapproving design approval and must set forth the alleged errors or illegality of the designee's action and the grounds for appeal.
3. The Secretary of the Urban Design Committee must send copies of the petition to each member of the Urban Design Committee and to the property owner and must 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.
4. Notification must include the scope of work and the date, time, and place of the meeting at which the appeal will be considered by the Urban Design Committee and by regular mail and mailed at least 7 days prior to the meeting.
5. The filing of the petition stays all proceedings from the decision appealed, except that a decision denying a request for demolition in a Design Overlay District is not stayed.

B. Review by Urban Design Committee

1. Upon receipt of the petition filed pursuant to this section, the Urban Design Committee must review the petition and approve or disapprove the plans and, if approved, issue a Certificate of Approval, with or without conditions, or with 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 Zoning Code.
2. Approval of any plans must receive no fewer than 5 affirmative votes of the Urban Design Committee. Failure to receive 5 affirmative votes is equivalent to a denial.
3. The Planning Director may establish additional procedures and guidelines for appeals.

C. Appeal to City Council

1. 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 Section to the City Council by filing a petition with the City Clerk.
2. The City Clerk must send copies of the petition to each member of the City Council and to the Secretary of the Urban Design Committee. The petition must set forth the alleged errors or illegality of the Urban Design Committee's action and the grounds for appeal and must be filed within 30 days after the final decision of the Urban Design Committee approving or disapproving design approval.
3. The filing of the petition stays all proceedings from the decision appealed, except that a decision denying a request for demolition in a Design Overlay District is not stayed.

D. Procedure on Appeal to City Council

1. Within 30 days of the filing of the petition pursuant to this section, the Urban Design Committee must 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.

DESIGN OVERLAY DISTRICTS

2. With the record and documents, the Urban Design Committee may produce in writing other facts as may be pertinent and material to show grounds of the decision appealed, verified by affidavit.
3. The City Clerk must send copies of all information filed by the Urban Design Committee within a reasonable time to each member of the City Council.
4. The Planning Director may establish additional procedures and guidelines for appeals.

E. Review by City Council

The City Council must 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, or the City Council may affirm the decision of the Urban Design Committee.

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.

G. Additional Rights of Owners to Demolish Certain Buildings or Structures**1. Procedures**

The following are procedures entitling owners to demolish properties:

- a. 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 must, as a matter of right and in addition to the right of appeal in 5.2.9, are entitled to demolish the building or structure, provided that:
 - I. The owner has submitted a demolition permit to the City 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;
 - II. The owner has, for the period of time in paragraph 2. below and at a price reasonably related to its fair market value, made a bona fide offer to sell the building or structure and the pertaining land 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 pertaining land; and
 - III. No bona fide contract, binding upon all parties, has been executed for the sale of any building or structure and the pertaining land prior to the expiration of the applicable time period in paragraph 2. below.
- b. 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 Section relating to a stay of the decision appealed from, do not affect the right of the owner to make the bona fide offer to sell.

- c. No offer to sell can be made more than 12 months after a final decision by the City Council, but after that the owner may renew the request to the City to approve the demolition of the building or structure.

2. Time Schedule

The time schedule for offers to sell made pursuant to this section are as follows:

- a. 3 months when the offering price is less than \$25,000;
- b. 4 months when the offering price is \$25,000 or more but less than \$40,000;
- c. 5 months when the offering price is \$40,000 or more but less than \$55,000;
- d. 6 months when the offering price is \$55,000 or more but less than \$75,000;
- e. 7 months when the offering price is \$75,000 or more but less than \$90,000;
- f. 12 months when the offering price is \$90,000 or more.

3. Notice Required

- a. Before making a bona fide offer to sell as provided for in this section, the property owner must first file a statement with the Secretary of the Urban Design Committee, and the owner must publish the notice twice, not less than 7 days apart, in a daily newspaper of general circulation in the City.
- b. The statement must identify the property and must state the offering price, the date that the offer for sale is to begin, and the name of the real estate agent, if any.
- c. No time period in paragraph 2 above can start to run until the statement has been both filed and published.

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ARTICLE 6.

ADMINISTRATION

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SEC. 6.1. AUTHORITY

6.1.1. Summary of Review Authority

The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Zoning Code. If there is a discrepancy between the text of the Zoning Code and the table, the text controls.

APPROVAL PROCESSES		REVIEW AND APPROVAL AUTHORITY						
		Zoning Administrator	Planning Director	Urban Design Committee	Commission of Architectural Review	Board of Zoning Appeals	City Planning Commission	City Council
Zoning Amendments								
Text Amendment	6.2.4		R				R-PH	D-PH
Map Amendment (rezoning)	6.2.4		R				R-PH	D-PH
Old & Historic District								
Old and Historic District Creation/ Amendment	5.1		R		R-PH		R-PH	D-PH
Certificate of Appropriateness	5.1		R		D-PH			A-PH
Design Overlay District								
Design Overlay District Creation / Amendment	5.2		R	R-PH			R-PH	D-PH
Certificate of Approval	5.2	R	D	A-PH				A-PH
Administrative Review								
Site Plan Review	6.2.2	R	D					
Conditional Use Permit	6.2.3	R	R				R-PH	D-PH
Building Permit Compliance	6.2.5	D				A-PH		
Certificate of Use and Occupancy	6.2.6	D				A-PH		
Certificate of Zoning Compliance	6.2.7	D				A-PH		
Zoning Confirmation Letter	6.2.7	D				A-PH		
Relief								
Variance or Special Exception	6.2.8	R				D-PH		
Administrative Variance	6.2.8.F	D				A-PH		
Special Use Permit	6.2.9	R	R				R-PH	D-PH
Community Unity Plan	6.2.10	R	R				R-PH	D-PH

KEY: R = Review D = Decision A = Appeal -PH = Public Hearing

6.1.2. City Council

A. General

The City Council is authorized in *Code of Virginia § 15.2-2200 et seq.* and the *Code of the City of Richmond, Chapter 4 - Council*.

B. Authority

1. Final Authority

The City Council is responsible for final action regarding:

- a. Text Amendments;
- b. Map Amendments (rezoning);
- c. Creation or Amendment of an Old and Historic District;
- d. Creation or Amendment of a Design Review District;
- e. Conditional Use Permits;
- f. Special Use Permits; and
- g. Community Unity Plans.

2. Appeal Authority

The City Council is responsible for hearing appeals regarding:

- a. Old and Historic District Certificate of Appropriateness; and
- b. Design Overlay District Certificate of Approval.

6.1.3. City Planning Commission

A. General

The City Planning Commission is established as authorized in *Code of Virginia § 15.2-2200 et seq.* and the *Charter, Chapter 17 - Planning, Zoning and Subdivision Control*, and has the following powers and duties under this Zoning Code.

B. Authority

1. Review and Recommendation Authority

The Planning Commission is responsible for review and recommendation regarding:

- a. Text Amendments;
- b. Map Amendments (rezoning);
- c. Creation or Amendment of an Old and Historic District;

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- d. Creation or Amendment of a Design Review District;
- e. Conditional Use Permits;
- f. Special Use Permits; and
- g. Community Unity Plans.

6.1.4. Board of Zoning Appeals

A. General

The Board of Zoning Appeals is established as authorized in *Code of Virginia § 15.2-2200 et seq.* and the *Charter, Chapter 17 - Planning, Zoning and Subdivision Control*, and has the following powers and duties under this Zoning Code.

B. Authority

1. Final Authority

The Board of Zoning Appeals is responsible for final action regarding:

- a. Variances and special exceptions.

2. Appeal Authority

The Board of Zoning Appeals is responsible for hearing appeals regarding:

- a. Building permit compliance;
- b. Certificates of use and occupancy;
- c. Certificates of zoning compliance;
- d. Zoning confirmation letters;
- e. Sign permits (subset of building permits and/or certificates of zoning compliance); and
- f. Administrative variances.

6.1.5. Commission of Architectural Review

A. General

The Commission of Architectural Review has the following composition and powers and duties under this Zoning Code.

B. Composition

1. The Commission of Architectural Review consists of 9 members, one of whom must be a resident of an Old and Historic District. The members are appointed by the City Council for terms of office of 3 years from the date of appointment. The provisions of *Section 2-767 of the City Code* apply to all members of the Commission. Appointments to the Commission are as follows:

- a. 1 must be appointed from a list of at least 3 nominees submitted by the Richmond Chapter of the American Institute of Architects;
 - b. 1 must be appointed from a list of at least 3 nominees submitted by the Historic Richmond Foundation;
 - c. 1 must be appointed from a list of at least 3 nominees submitted by the Richmond Association of Realtors; and
 - d. 6 must be citizens of the City appointed at large.
2. Vacancies on the Commission must be filled in the same manner. One of the at-large members must 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 can 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 serve without compensation.

C. Secretary

The Planning Director must appoint a Secretary for the Commission of Architectural Review, who must be a qualified employee of that Department. The Secretary must keep a record of all resolutions, proceedings and actions of the Commission.

D. Responsibilities and Duties

The Commission of Architectural Review has 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 has the duty to:

1. Hold regular meetings for consideration of certificates of appropriateness and other meetings as needed to carry out the responsibilities of 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.

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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 is authorized to adopt rules of procedure for the transaction of its business and implementation of the purposes of this Section. The rules of procedure must not conflict with this Section.

6.1.6. Urban Design Committee**A. General**

The Urban Design Committee has the following composition and powers and duties under this Zoning Code.

B. Composition

1. The Urban Design Committee consists of 11 members who either reside in the City or have their primary place of business in the City. Members are appointed by City Council. Appointments of Committee members are as follows:
 - a. One of the members must be a registered architect;
 - b. One must be a member of a community-focused organization or business;
 - c. One must be a member of the faculty of a design or arts division of a local college or university;
 - d. One must be a registered professional engineer;
 - e. One must be an urban designer or urban planner;
 - f. One must be a registered landscape architect;
 - g. One must be a member of the City Planning Commission;
 - h. One must be a member of the Commission of Architectural Review;
 - i. Two must be citizens of the City appointed at large; and
 - j. One must be a member with demonstrated arboriculture or forestry expertise or a member of the Urban Forestry Commission.
2. Members are appointed for terms of office of 3 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 must be appointed for terms coincident with their terms

on the other Commission. Vacancies on the Committee must be filled in the same manner as provided in this Section. The members of the Committee serve as such without compensation.

C. Secretary

The Planning Director must appoint a Secretary for the Urban Design Committee, who must be a qualified employee of that Department. The Secretary, in addition to other assigned duties, must keep a record of all actions and proceedings of the Committee.

D. Responsibilities and Duties

1. The Urban Design Committee must, 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.
2. The Committee also has the power and authority to review and approve or disapprove applications for Design Overlay District design review. In addition, the Committee has the duties to carry out the following responsibilities:
 - a. Hold regular meetings and other meetings as needed.
 - b. 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.
 - c. 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 is authorized to adopt rules of procedure for the transaction of its business and implementation of the purposes of this section. The rules of procedure cannot conflict with this Section.

6.1.7. Planning Director

A. General

1. The Director of the Department of Planning and Development Review (the "Planning Director") may designate any other City official or staff member as their designee in any function assigned by this Zoning Code. The Planning Director remains responsible for any action taken by their designee.
2. The Planning Director has the following powers and duties under this Zoning Code:

B. Authority

1. Review and Recommendation Authority

The Planning Director is responsible for review and recommendation regarding:

- a. Text Amendments;
- b. Map Amendments (rezoning);
- c. Creation and Amendment of an Old and Historic District;
- d. Old and Historic District Certificate of Appropriateness;
- e. Creation and Amendment of Design Overlay District;
- f. Conditional Use Permits;
- g. Special Use Permits; and
- h. Community Unity Plans.

2. Final Authority

The Planning Director is responsible for final action regarding:

- a. Design Overlay District Certificate of Approval; and
- b. Site Plan Review.

6.1.8. Zoning Administrator

A. General

1. The Zoning Administrator is established as authorized in *Code of Virginia* § 15.2-2286 and may designate any other City official or staff member as their designee in any function assigned by this Zoning Code. The Zoning Administrator remains responsible for any action taken by their designee.
2. The Zoning Administrator has the following powers and duties under this Zoning Code:

B. Authority

1. Review Authority

The Zoning Administrator is responsible for review regarding:

- a. Site Plan Review;
- b. Design Overlay District Certificate of Approval;
- c. Conditional Use Permits;
- d. Special Use Permits;
- e. Variances and Special Exceptions; and
- f. Community Unity Plans.

2. Final Authority

The Zoning Administrator is responsible for final action regarding:

- a. Building Permit Compliance;
- b. Sign permits (subset of Building Permits and/or Certificates of Zoning Compliance);
- c. Certificates of Use and Occupancy;
- d. Certificates of Zoning Compliance;
- e. Zoning Confirmation Letters; and
- f. Administrative Variances.

SEC. 6.2. **APPROVAL PROCESSES**

6.2.1. **Common Review Procedures**

A. Applicability

The following requirements are common to the procedures contained in this Zoning Code and apply to applications submitted under this Article. Additional details may be included for each specific procedure.

B. Code of Virginia Compliance

This Article is intended to comply with the provisions of *Code of Virginia § 15.2-2280 et seq.*, pertaining to zoning decisions. Where any provision of this Article is in conflict with any provision of State law, the State law controls. Where this Article fails to fully incorporate a provision required by State law, the provision of State law must be fully complied with.

C. Application Requirements

1. Application Submittal

- a. All applications must be filed with Planning and Development Review and must be submitted on forms and in numbers as required by the Zoning Administrator, who will route the materials to the appropriate review bodies.
- b. Application forms are found on the City's website.

2. Completeness Determination

- a. All applications must be complete before the City is required to review the application. Once an application is received, the Zoning Administrator has 10 days to review and determine the completeness of an application. An applicant will be notified of an incomplete application, and the application will not proceed for review or decision.
- b. An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all of the applicable requirements of this Zoning Code.
- c. The presumption is that all of the information required by the City's application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular project. The applicant may rely on the Zoning Administrator to determine whether more or less information must be submitted for the application to be considered complete and ready for review.

3. Revised Application Materials

- a. All revised application materials must be submitted to Planning and Development Review, who will route the materials to the appropriate review bodies. No plans may be sent directly to the Planning Commission, Board of Zoning Appeals, Commission of Architectural Review, Mayor, or City Council.

- b. Revised application materials must be submitted to Planning and Development Review at least 30 days prior to a scheduled public meeting or hearing. Materials submitted within 30 days of a scheduled meeting or hearing may be accepted at the discretion of the Zoning Administrator.
- c. Revised application materials can be submitted up to 3 times before a new application fee will be required for further application review. The Zoning Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

4. Withdrawal of an Application

- a. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Zoning Administrator.
- b. No portion of a required application fee will be refunded on any withdrawn application.
- c. For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

D. General Public Notice and Hearing Requirements

Public notice must be provided for certain processes as required by the *Code of Virginia* § 15.2-2204.

E. Meetings Open to the Public

All meetings of any City boards and commissions referenced in this Article, and of any committee, subcommittee or other entity created to perform delegated functions, are open to the public as required by the Virginia Freedom of Information Act, except as otherwise specifically provided in *Code of Virginia*, § 2.2-3711.

6.2.2. Site Plan Review

A. Intent

The purpose of the Site Plan Review process is to establish rules about the content, submittal, review, and validity of site plans for proposed development and ensure development complies with the requirements of this Zoning Code and other applicable laws, regulations, and policies before building permits or certificates of occupancy are issued. The compliance review detailed in this section is not intended to be a substitute or alternative for any other compliance review required by this Zoning Code.

B. General Provisions

1. Planning Director as Designated Agent

The Planning Director is responsible for site plan review and has the following related powers and duties:

- a. To receive, process, and act on every site plan submittal, including rejecting site plans that haven't been officially submitted, and the approval or denial of each officially submitted site plan;
- b. To interpret applicable, duly adopted laws, regulations, and policies as part of the review.
- c. To establish, publish, and update from time to time, guidance and procedural materials consistent with this Section that discuss required site plan content and streamline the administration of this Section; and
- d. To delegate the powers and duties described in this subsection to qualified City employees.

2. Scope of Review

The Planning Director must review every officially submitted site plan for compliance with the following:

- a. This Zoning Code and *Chapter 25 (Subdivision of Land) of the City Code*; and
- b. Any other duly adopted law, regulation, or policy that governs an element of a development, to the extent such element is shown on a site plan, including the following chapters of the City Code:
 - I. *Chapter 13 - Fire Prevention and Protection*;
 - II. *Chapter 14 - Floodplain Management, Erosion and Sediment Control, and Drainage*;
 - III. *Chapter 23 - Solid Waste*;
 - IV. *Chapter 24 - Streets, Sidewalks, and Public Ways*; and
 - V. *Chapter 28 - Utilities*.

C. Applications

An application for a Site Plan Review must be filed in accordance with **6.2.1.C**.

1. Eligible Applicant

Only the owner of land that is the subject of a site plan, the owner's lawfully authorized representative, or a proprietor of the land with owner's consent, may submit an application for site plan review. If there are multiple owners of the land, all owners, or their authorized representatives, must authorize submittal of an application for site plan review.

2. References

Whenever reference is made to a regulation, policy, or procedure, it means the most recent, published, and publicly available version of such regulation, policy, or procedure, unless otherwise specifically stated.

3. Limitations

The following limitations apply:

- a. Site plan approval does not fulfill any other approval requirement imposed on a proposed development by the City Code or other applicable law, regulation, or policy, or serve as the basis for any such approval.
- b. No advisory letter may operate as approval or disapproval of a site plan or as evidence of compliance with this division or any other law, regulation, or policy.
- c. The Planning Director is not responsible for assessing compliance of a site plan with the terms of any private easement, covenant, agreement, or restriction.

D. Applicability

1. Development

For the purposes of site plan review, development means a tract of land developed or to be developed as a unit under single ownership or unified control which is used or will be used for any business or industrial purpose or contains or will contain 5 or more residential dwelling units, but excluding any tract of land which will be principally devoted to agricultural production.

2. Preliminary Site Plan

Submittal of a preliminary site plan for tentative approval is allowed for any development.

3. Final Site Plan

Before Zoning Administrator review of an application for Building Permit or Certificate of Occupancy, a development on a lot within 50 feet of the James River floodwall, a development for which site plan review is required, or a development that involves 1 or more of the following, final site plan approval is required:

- a. Clearing, grading, excavating, filling, or otherwise disturbing a land area of
 - I. 4,000 square feet or greater, or
 - II. 2,500 square feet or greater if within a designated Chesapeake Bay Preservation Act Area;

- b. Installation, relocation, extension, upgrading, upsizing, or increase in the capacity of any public right-of-way or public utility, including the addition or alteration of any vehicular access to a lot;
- c. An increase of 10% or greater in the number of vehicular parking spaces, or where a proposed development includes new installation of any of the following: vehicular drive-ups, drive-throughs, fuel pumps, or charging stations intended for public use; or
- d. Increase in the usable space of any building or structure by 2,500 or more square feet, as measured by applicable building codes.

E. Procedures

1. Pre-Submittal Conference

- a. Before submitting a site plan application, an applicant may request, in writing, that the Planning Director hold a pre-submittal conference to discuss the scope, features, and impacts of a proposed development and applicable regulations, policies, and procedures. As part of this request, an applicant must submit a complete pre-application package, to include all drawings, data, and related materials described in procedures published by the Director for one of the following types of review, as specified by the applicant:
 - I. Conceptual review. Review of the general feasibility of the proposed development based on the physical characteristics of the land, its designated future land use in the master plan, its existing or proposed zoning designation, and the availability and capacity of transportation networks and utility infrastructure; or
 - II. Preliminary review. Preliminary compliance review of proposed development, as shown by an accurate site plan, in consideration of applicable, duly adopted laws, regulations, and policies.
- b. The Planning Director has 10 days from receipt of a complete pre-application request to schedule the pre-application conference, which must happen as soon as reasonably possible given the complexity of the proposed development. Required pre-application conference attendees include the Planning Director and the applicant, or the applicant's authorized representative.
- c. The Planning Director must promptly distribute a submitted and complete pre-application request to the Planning Director's of all affected city departments, who must assign qualified staff to examine the request and provide comments to the Planning Director at least 3 days prior to the date of the pre-application conference.
- d. Within 5 days following the date of a pre-application conference, the Planning Director must provide the applicant an advisory letter that discusses, but makes no formal determination about, one or more of the following:
 - I. Potential or likely deficiencies among the pre-application package materials, or markings of such deficiencies on those materials, and the laws, regulations or policies with which the deficiencies do not comply;
 - II. Discretionary modifications or corrections to the development described in the pre-application package that, though not required, would in the opinion of the Planning

Director promote health, safety, morals, comfort, prosperity, and general welfare in accordance with the spirit and intent of identified sections of City Code; and

- III. Other permits and approvals the applicant may need to secure before, or in conjunction with, construction of the development described in the pre-application package materials.

2. Submittal

- a. An applicant must submit a site plan application for review and approval in accordance with procedures published by the Planning Director.
- b. Within 10 days from receipt of a site plan application, the Planning Director must notify the applicant whether the site plan application is complete. A complete site plan application is one for which both of the following apply:
 - I. The site plan application is submitted in accordance with this subsection, including the payment of all applicable fees; and
 - II. The site plan application includes all drawings and data needed for evaluation of the site plan according to the scope of review.
- c. If the Planning Director determines a site plan application is complete, the Planning Director must notify the applicant that the site plan has been officially submitted for approval, effective as of the date applicant submitted the complete application.

3. State Review

- a. Within 5 days from the time a site plan is officially submitted, the Planning Director must determine whether any feature of the site plan requires approval from any state agency or public authority authorized by state law.
- b. If any feature of an officially submitted site plan requires approval from any state agency or public authority authorized by state law, the Planning Director must notify the applicant of the requirement and forward the site plan to each applicable state agency and public authority for review. The Planning Director may proceed with city review, but may not complete the review before all approvals from all applicable state agencies and public authorities have been received.
- c. If no feature of an officially submitted site plan requires approval from any state agency or public authority authorized by state law, the Planning Director may proceed with city review.

4. City Review

- a. The Planning Director must distribute an officially submitted site plan to the directors of all affected city departments, as determined by the Planning Director. The Planning Director and the directors of all other affected city departments must assign one or more qualified staff to thoroughly review the site plan in accordance with the scope of review and in good faith identify all site plan deficiencies, if any.
- b. Within 30 days following receipt of an officially submitted site plan from the Planning Director, the director of each affected city department must provide the following to the Planning Director:

- I. A written list of specific deficiencies of a site plan, or markings of specific deficiencies on the site plan itself;
 - II. The laws, regulations or policies with which the deficiencies do not comply; and
 - III. Modifications or corrections needed for compliance.
- c. Within 30 days from receipt of a site plan from the Planning Director, the director of each affected city department may provide the Planning Director, in writing, a separate list of discretionary modifications or corrections to a site plan that, while not required, would promote health, safety, morals, comfort, prosperity, and general welfare in the opinion of the Planning Director.
- d. The Planning Director must develop their own written list and consolidate lists with those received from the directors of all other affected City departments into a single document of site plan comments, that distinguishes site plan modifications and corrections necessary for site plan approval from discretionary site plan modifications and corrections.

5. Decision

- a. The Planning Director must render a decision to approve or disapprove an officially submitted site plan in the form of a written notice to the applicant within one of the following timeframes:
- I. 40 days from the date an original site plan was first officially submitted; or
 - II. 30 days from the date a modified and corrected site plan that was previously disapproved was officially resubmitted; or
 - III. 30 days from the date all applicable state agencies and public authorities authorized by state law have provided the Planning Director their written responses for a site plan that requires such responses.
- b. The Planning Director must approve a site plan if the Planning Director concludes both of the following apply:
- I. The site plan complies with the duly adopted statutes, ordinances, regulations, and policies described in **6.2.2.B.2**, as confirmed by the director of each affected city department; and
 - II. The site plan has received all needed state agency and public authority approvals.
- c. Except for the above, the Planning Director may, approve an officially submitted site plan that does not strictly comply with *Chapter 25 of the City Code* with a provision for variation or exception from the general regulations in the event either of the following apply:
- I. The Planning Director reasonably concludes from evidence presented by applicant that strict application of the regulations of *Chapter 25 of the City Code* actually prohibit or unreasonably restrict the use of the property due to exceptional topographic conditions or other extraordinary or exceptional circumstances or conditions;

- II. The Planning Director is satisfied, based on evidence by from applicant, that strict adherence to one or more regulations of *Chapter 25 of the City Code* would result in substantial injustice or hardship.
- d. The Planning Director must deny a site plan if either of the following apply:
 - I. The site plan fails to comply with all applicable duly adopted statutes, ordinances, regulations, and policies described in this section; and
 - II. The site plan has not received all needed state agency and public authority approvals.
- e. In the event of denial, the Planning Director must provide the applicant with the following in addition to the written notice of denial:
 - I. A written list of specific deficiencies of a site plan or markings of specific deficiencies on the site plan itself;
 - II. The laws, regulations, or policies with which the deficiencies do not comply; and
 - III. To the greatest extent practicable, modifications or corrections that would permit site plan approval.
- f. Regardless of the approval or deemed approval of any submitted or resubmitted site plan, any deficiency in any proposed site plan that if left uncorrected would violate local, state or federal law, regulations, mandatory Virginia Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, is not considered, treated or deemed as having been approved by the Planning Director.

6. Review of Resubmittals

- a. For a site plan that does not solely involve commercial or residential real estate, the Planning Director must act on any proposed site plan the Planning Director has previously denied within 30 days after the site plan has been modified, corrected, and resubmitted for approval.
- b. For a site plan that solely involves commercial or residential real estate, the Planning Director must act on any proposed site plan the Planning Director has previously denied within 30 days after the site plan has been modified, corrected, and resubmitted for approval, and the following applies to Planning Director review of the resubmittal:
 - I. For purposes of this subsection, the term “commercial” means all real property used for commercial or industrial uses, and the term “residential” means all real property used for single-unit, two-unit or multi-unit use.
 - II. The Planning Director must only consider the following:
 - a). Deficiencies the Planning Director identified in review of the initial site plan submittal that remain uncorrected; and
 - b). Deficiencies that result from corrections made to address deficiencies identified in the initially submitted, previously disapproved site plan.
 - III. The Planning Director must provide the following to the applicant:

- a). A written list of specific deficiencies of a site plan or markings of specific deficiencies on the site plan itself;
 - b). The laws, regulations, or policies with which the deficiencies do not comply; and
 - c). To the greatest extent practicable, modifications or corrections that would permit site plan approval.
- IV. The Planning Director may provide the applicant a written list of specific deficiencies not identified in the review of the initial site plan or the resubmittal of a site plan that are considered a risk to health or safety.
- V. In the event the Planning Director denies not only an initially submitted site plan but also a resubmittal of the same site plan, Planning Director review of a second resubmittal of the site plan is limited solely to the previously identified deficiencies that caused its disapproval.
- VI. Excluding the above, if any resubmitted a site plan includes a material revision of either infrastructure or physical improvements from an earlier submittal, or if a material revision in a resubmitted site plan creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the Planning Director's resubmittal review may consider not only deficiencies previously identified in the prior submittals but also deficiencies initially appearing in the resubmittal because of such material revision.
- VII. Failure of the Planning Director to approve or deny a resubmitted site plan within the time period required causes the resubmitted site plan to be deemed approved.

7. Withdrawal

- a. An applicant may request, in writing, to withdraw a site plan from the review process at any time.
- b. If an applicant fails to submit modifications or corrections to remedy an incomplete site plan application or to correct identified deficiencies of an officially submitted, disapproved site plan application within 180 days after the date of an incomplete or disapproved application notice from the Planning Director, the Planning Director must notify the applicant that the application will be withdrawn from consideration within 30 days from the date of notice. The Planning Director may extend the period by the applicant's request as they deem reasonable under the circumstances.
- c. The Planning Director cannot refund fees to the applicant for a site plan that has been officially submitted for 30 or more days.

F. Modifications

After the approval of any site plan, or previously-approved site plan, and within its period of validity per ~~6.2.2.G~~, the Planning Director, upon written request by the applicant, must consider minor modifications to a site plan for review and approval in accordance with this subsection.

1. Eligibility

a. Minor Modification

- I. The Planning Director must consider and approve or disapprove a proposed minor modification to a site plan that is submitted in accordance with this subsection.
- II. For purposes of this subsection “minor modification” means a modification to a site plan that satisfies the following criteria:
 - a). Does not involve a change of more than 10% of any element of the development, including without limitation any of the following: height, number of units, building coverage, amenity space, parking area, impervious area, lot width, transparency, or signs;
 - b). Does not involve a change in use of the development or portion of the development;
 - c). Does not propose a new development feature;
 - d). Does not adjust the location or nature of either vehicular, pedestrian, or other access ways; or the intersection of any way with public right-of-way;
 - e). Does not require additional review by any state agency or public authority authorized by state law;
 - f). Does not increase demand for or require additional public facilities or services; and
 - g). Otherwise allows the development to remain substantially the same as that shown on the originally approved site plan.

b. Major Modification

Any proposed modification to an approved site plan that is not a minor modification is a major modification, which the Planning Director may only approve following submittal of a new, complete site plan application.

2. Submittal

- a. An applicant must submit a site plan modification application for review and approval in accordance with procedures published by the Planning Director.
- b. Within 10 days from receipt of a site plan modification application, the Planning Director must determine whether,
 - I. The requested modification is a minor modification; and
 - II. The application is complete and officially submitted for approval.
- III. A complete site plan modification application is one that is submitted in accordance with this section, including without limitation the payment of all applicable fees, and includes, per procedures published by the Planning Director or as the Planning Director otherwise requests, all drawings and data needed for evaluation of the proposed site plan modification in accordance with the scope of review described.

- c. If the Planning Director determines a site plan modification application is complete, the Planning Director must notify the applicant that the site plan modification is officially submitted for approval as of the date applicant submitted such complete application.

3. Decision

- a. The Planning Director must thoroughly examine an officially submitted site plan modification for compliance with the laws, regulations, and render a decision to approve or deny in the form of a written notice to the applicant within 30 days from the date the site plan modification was officially submitted.
- b. The Planning Director must approve an officially submitted site plan modification if the Planning Director concludes it complies with the laws, regulations, and policies described.
- c. The Planning Director must deny an officially submitted site plan modification if the Planning Director concludes it does not comply with the laws, regulations, and policies described and provide the applicant with the following in addition to the written notice of disapproval:
 - I. A written list of specific deficiencies of the site plan modification, or markings of specific deficiencies on the site plan itself;
 - II. The laws, regulations, or policies with which the deficiencies do not comply; and
 - III. To the greatest extent practicable, modifications or corrections that would permit site plan approval.

G. Validity

1. Preliminary Site Plan

- a. Once a preliminary site plan is granted tentative approval, it is valid for 5 years, provided the applicant submits a final site plan for all or for a portion of the property within 1 year of the approval and then, diligently pursues approval of the final site plan. In this subsection, the term "diligent pursuit of approval" means the applicant has incurred extensive obligations or substantial expenses relating to the submitted final site plan or modifications of the final site plan.
- b. 3 years after preliminary site plan approval, and with 90 days written noticed by certified mail to the applicant, the Planning Director may revoke their approval based on findings that the applicant has not diligently pursued approval of the final site plan.
- c. A preliminary site plan remains valid for 5 years from the date of the most recently approved final site plan for the property or any portion of the property.

2. Final Site Plan

- a. An approved final site plan is valid for 5 years, expiring on the 5th anniversary of the initial approval date.
- b. The Planning Director, with a written request from an applicant, may grant an approved final site plan a validity period from 5 to 10 years, based on reasonable consideration of the size and phasing of the proposed development at the time of final site plan approval.

3. Extension of Final Site Plan

- a. An applicant may request an extension of the validity period of an approved final site plan by written request to the Planning Director at least 90 days prior to the validity period expiration date.
- b. The Planning Director must respond, in writing, within 30 days from receipt of the extension request.
- c. In response to an extension request, the Planning Director may approve a longer period of validity for a final site plan as the Planning Director deems reasonable. This period may not exceed 5 years from the date the final site plan would have expired, based on consideration of the size, scope, and phasing of the proposed development and the effective laws, ordinances, and regulations at the time of the request for extension.
- d. The Planning Director must deny, in writing, a request for extension of any final site plan validity period upon finding that the final site plan no longer complies with current laws, ordinances, or regulations.

H. Appeals

An applicant may bring an action at Richmond Circuit Court in the event of any of the following and in accordance with general law, or as otherwise permitted by general law:

1. The Planning Director fails to approve an officially submitted site plan within 40 days after it has been officially submitted for approval, or, if applicable, within 30 days of receipt by the Planning Director of any agency or authority response or within 30 days after a site plan has been officially resubmitted after a previous disapproval, and applicant gives the Planning Director 10 days' written notice prior to filing its action;
2. The Planning Director issues a written disapproval of an officially submitted site plan, applicant contends that the disapproval was not properly based on the applicable ordinance, or was arbitrary or capricious, and applicant files its action within 60 days from such disapproval; or
3. The Planning Director issues a written denial of a request by applicant for extension of the validity period of an approved site plan, and applicant files its action within 60 days.

I. Fees

A fee, as set forth below, based on the area of the proposed development, must accompany each site plan application, which must be paid into the City treasury.

1. Less than or equal to 5,000 square feet: \$600.
2. Greater than 5,000 square feet and less than or equal to 50,000 square feet: \$1,200
3. Greater than 50,000 square feet and less than or equal to 200,000 square feet: \$2,400.

6.2.3. Conditional Use Permit

A. Intent

1. 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 zoning district in which they are permitted, have specific conditions that must be met and maintained for such uses to be approved.
2. 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 Zoning Code.

B. Applicability

1. A use indicated as permitted as a conditional use in **Article 3** authorized only upon approval of a Conditional Use Permit by the City Council in accordance with this Section.
2. The listing of a use as being permitted in a particular zoning district by conditional use permit does not constitute assurance or presumption that a conditional use permit for the use will be approved. Approval of a conditional use permit for a particular use at a specific location within a zoning 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 Section.

C. Applications

An application for a Conditional Use Permit must be filed in accordance with **6.2.1.C**.

D. Relation to Other Permits

Building Permits, Certificates of Use and Occupancy and Certificates of Zoning Compliance and related reviews and approvals required by this Zoning Code 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 may be issued unless a conditional use permit has been approved.

E. Existing Uses

A lawfully established use that exists on the effective date of this Zoning Code and is identified as a conditional use in its zoning district is deemed a lawful existing use, even if no conditional use permit was previously issued. The absence of a conditional use permit does not, by itself, make the use or the property nonconforming, provided all of the following standards are met:

1. A conditional use permit approved in accordance with this Section is required before:
 - a. Expanding, enlarging, substantially reconstructing, or relocating the use or any building devoted to the use
 - b. Making a material change to the operation or activities of the use that increases its intensity.

2. Except as provided in paragraph C.3 below, whenever a use is discontinued for a period of 2 years or longer, whether or not equipment or fixtures are removed, the use cannot be reestablished unless a conditional use permit is approved in accordance with this Section; 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 such damage without approval of a conditional use permit, provided that the floor area devoted to the use is not be increased, and provided further that application for a building permit for the restoration, repair or reconstruction is submitted within 2 years of the date of damage.

F. Application

1. An application for a conditional use permit must be submitted in accordance with 6.2.1.C 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.
2. An application must 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 Zoning Code, together with plans and other information as set forth in written administrative policy adopted by the Planning Commission.

G. Procedure for Issuance

1. Review by Staff

Staff of the Department of Planning and Development Review must review each application for a conditional use permit and forward it to the Planning Commission along with a report indicating the manner in which the proposed conditional use complies or does not comply with this Zoning Code and its recommendations regarding approval, disapproval or conditions to be attached.

2. Action by Planning Commission

The Planning Commission must review each conditional use permit application for compliance with the Zoning Code and provide a recommendation to the City Council in accordance with the following:

- a. The Planning Commission must hold a public hearing on the conditional use permit application. Notice of the time and place of the public hearing must 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 must be furnished by the City Assessor as shown on the current tax records of the City.
- b. After holding a public hearing, the Planning Commission may recommend approval or disapproval of the conditional use permit or that additional conditions be imposed. In making its recommendation, the Commission must consider the standards 6.2.3.G.
- c. Action by the Planning Commission must be in the form of a motion, giving the reasons for its action.
- d. When the Planning Commission is unable to adopt a motion to recommend approval or disapproval, it must forward a written report to the City Council stating this and summarizing its discussions on the matter.

- e. Failure of the Planning Commission to provide a recommendation or report to City Council within 100 days after the first meeting of the Planning Commission at which the conditional use permit application appears on its agenda is treated as a recommendation of approval, unless the application has been withdrawn by the applicant prior to the expiration of the time period.

3. Action by City Council

The City Council must take action on each conditional use permit application in accordance with the following:

- a. After receiving the recommendation of the Planning Commission, the Council must hold a public hearing on the conditional use permit application. Notice of the time and place of the public hearing must 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 must be provided by the City Assessor as shown on the current tax records of the City.
- b. The City Council may, by ordinance, approve or disapprove the conditional use permit application and may impose additional conditions as authorized by this division.

H. Standards for Approval

A conditional use permit must 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 zoning district in which it is proposed to be located. No conditional use permit may be approved by the City Council unless it finds the proposed use and development:

- 1. Will not be contrary to the general purposes of **1.1.3**;
- 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 Section and other applicable requirements of the zoning 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 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 zoning 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.

I. Additional Conditions

1. The Planning Commission may recommend and the City Council may impose additional conditions and limitations on any conditional use, including its scale, intensity, site development, operation or general character, as deemed necessary or appropriate.
2. The 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 Section.
3. Any conditions or limitations must be expressly listed in the ordinance approving the conditional use.

J. Amendments After Approval

An approved conditional use permit may be amended only in accordance with the procedures and subject to the standards in the Section for review and approval of a new conditional use permit.

K. Expiration

1. An approved conditional use permit becomes null and void if no application for a building permit to construct the authorized improvements has been submitted within 2 years of the date of approval by the City Council.
2. A conditional use permit for which no building permit is required becomes null and void if the use is not established within 2 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.

L. Discontinuance

A conditional use permit runs with the land, provided that any use established pursuant to an approved conditional use permit cannot be reestablished if replaced by a different use or if discontinued for a period of 2 years or longer. If conditions are imposed at time of approval of an approved Conditional Use Permit that limit the operator of the use, the Conditional Use Permit does not run with the land.

M. 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.

N. Fees

1. A fee of \$1,500 plus \$100 per acre must accompany each Conditional Use Permit application, which fee must be paid into the City treasury.
2. A fee of \$1,000 plus \$100 per acre must accompany each application for an amendment to a conditional use permit, which fee must be paid into the City treasury.
3. Approval of a Conditional Use Permit or an amendment to a conditional use permit cannot 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.

O. Posting of Notice on Property

In the case of each application for a conditional use permit or amendment to a conditional use permit, it is 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 notifying interested parties of the application and pending public hearings. A sign:

1. Must be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application;
2. Must remain on the property until final disposition of the application by the City Council; and
3. Must comply with any applicable standards established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

P. Violation of Conditions

1. Upon noting that a condition of a conditional use permit has been violated, the Zoning Administrator may issue a written notice of violation to the property owner. The notice must inform the property owner which condition has been violated, the nature of the violation, and that the Planning Commission must hold a public hearing at which it will review the violation, if:
 - a. The property owner does not abate the violation within 30 days of the issuance of the notice; or
 - b. 3 notices of violation are issued to the property owner within any 12-month period.
2. A notice of violation runs 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 does not count against the other parcels.

Q. Review Procedure on Appeal

1. The Zoning Administrator must issue to the property owner a notice advising that the Planning Commission must hold a public hearing at which it will review the violation and the conditional use permit, if:
 - a. The property owner has not abated a violation within 30 days of the issuance of a notice of violation; or
 - b. Three notices of violation have been issued to the property owner within any 12-month period.
2. This notice must also inform the property owner that the City Council must make the final determination as to whether to revoke the conditional use permit, allow the conditional use permit to remain in effect, or amend the conditional use permit.

R. Notice and Public Hearings

1. 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 must be given in accordance with the Charter and applicable State law.
2. The Planning Commission must hold a public hearing at which it will review the violation and the conditional use permit. After the public hearing, the Planning Commission must 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.

S. City Council Action

1. Upon issuance of the recommendation of the Planning Commission regarding a conditional use permit, the Secretary of the Planning Commission must cause appropriate ordinances to be prepared so that the City Council may act on the Planning Commission's recommendations.
2. Following a public hearing on the review of the conditional use permit, the City Council may:
 - a. Revoke the conditional use permit;
 - b. Allow the conditional use permit to remain in effect; or
 - c. Amend the conditional use permit.
3. The enforcement remedies provided in this Section are cumulative. The use of any remedy does not preclude the City from pursuing any other remedy authorized by this Zoning Code or available at law or in equity.

T. Applicability of 6.2.3.P through 6.2.3.S

~~6.2.3.P~~ through ~~6.2.3.S~~ apply only to Conditional Use Permits adopted after the effective date of the Zoning Code.

6.2.4. Zoning Amendments

A. Authority of City Council

Subject to the requirements of the Charter and this Section, the City Council may, from time to time, after receiving the recommendation of the Planning Commission:

1. Amend the text of this Zoning Code; and
2. Amend the boundaries of the zoning districts established in this Zoning Code.

B. Initiation

Amendments may be initiated by the City Council, 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. The petition, addressed to the City Council, must be reviewed by the Planning Director and filed with the City Clerk.

C. Applications

An application for a Zoning Amendment must be filed in accordance with **6.2.1.C**.

D. Notice and Public Hearing by Planning Commission

The Planning Commission must hold a public hearing on any ordinance to amend the Zoning Code. Notice of the time and place of the public hearing must 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 must be furnished by the City Assessor as shown on the current tax records of the City.

E. Notice and Public Hearing by Council

The City Council must hold a public hearing on any ordinance to amend the Zoning Code. Notice of the time and place of the public hearing must 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 must be furnished by the City Assessor as shown on the current tax records of the City.

F. Posting of Notice on Property

In the case of an application to change in the boundaries of a zoning district, it is the responsibility of the Department of Planning and Development Review to post on the property that is the subject of the change, a sign notifying interested parties of the application and pending public hearings. The sign:

1. Must be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application;
2. Must remain on the property until final disposition of the application by the City Council; and
3. Must comply with any applicable standards established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

G. Effect of Protest by Property Owners

If a protest is filed with the City Clerk against an amendment of the boundaries of the zoning districts, signed and acknowledged before a person authorized to administer oaths, by the owners of 20% or more of the total area of the lots included in a 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 the area, the Council cannot adopt the amendment unless supported by 7 or more affirmative votes.

H. Fees

1. A petition for amendment must be accompanied by a fee of \$1,500 plus \$100 per acre, which must be paid into the City treasury. A fee of \$250 must accompany each continuance of a rezoning caused by the applicant.
2. Approval of a change in the boundaries of the zoning districts must 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.

I. Conditional Rezoning

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. The purpose of this Section is to provide a flexible zoning tool that allows the City to consider site-specific conditions when evaluating requests to rezone property. A rezoning may be approved subject to voluntary conditions offered by the applicant to address impacts of the proposed development or to advance adopted planning objectives. The conditions apply only to the property subject to the rezoning and are not generally applicable to other property within the same zoning district.
- c. This Section must be administered in a manner consistent with all applicable federal, state, and local fair housing and civil rights laws. Conditional rezoning cannot be used to discriminate in housing or to otherwise deny equal protection under the law.

2. Procedures

a. Proffered Conditions

As part of an application to amend the Zoning Map, the property owner may voluntarily submit written conditions that apply to the property in addition to the standards of the proposed zoning district. Any proposed conditions must be reasonable and comply with the requirements of this Section.

b. Submission of Conditions

The owner may submit 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 are not obligated to accept any of the proffered conditions.

c. Additions, Deletions or Modifications to Conditions

- I. 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 must be made in writing to the Planning Commission before the Planning Commission makes its recommendation to the City Council.
- II. The City Council may consider additional conditions, deletions or modifications to conditions after the Planning Commission makes its recommendation, provided that they are voluntarily proffered in writing prior to the public hearing at which the City Council is to consider the application for rezoning.
- III. 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 Planning Commission for further review and action, provided that, where additions, deletions or modifications to conditions are less restrictive than the conditions considered by the Planning Commission, the City Council must refer the rezoning application back to the Planning Commission.

3. Proffered Conditions

a. Criteria

All conditions proffered must meet the following criteria:

- i. The rezoning itself must give rise to the need for the conditions.
- ii. The conditions must have a reasonable relation to the rezoning.
- iii. The conditions must be in conformity with the master plan for the City.
- iv. The conditions must not impose upon the applicant the requirement to create a property owners' association under the *Property Owner's Association Act, Code of Virginia, § 55-508 et seq.*, 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, these facilities cannot include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the City.
- v. The conditions cannot be less restrictive than the sections of this Zoning Code and cannot require or permit a standard that is less than required by any applicable law.
- vi. The conditions must be drafted in a manner as to be clearly understandable and enforceable.

b. Conditions Involving Dedication of Real Property or Payment of Cash

- I. If voluntary conditions include the dedication of real property or the payment of cash for public facilities or improvements, the dedication or payment is not required until the applicable facility or improvement is included in the City's Capital Improvement Program, unless the City Council accepts a condition for a facility or improvement that is not ordinarily included in the Capital Improvement Program.
- II. Any voluntary condition requiring the dedication of real property or the payment of cash must also specify the disposition of the property or funds if they are not used for the purpose for which they were offered.

c. Reasonable Conditions Designated

- I. Reasonable voluntary conditions may include the payment of cash or the dedication of property to fund or construct off-site transportation improvements that are identified in the City's adopted master plan or other adopted transportation plan and included in the Capital Improvement Program. Nothing in this Section prohibits the City Council from accepting voluntary conditions for improvements that are not ordinarily included in the Capital Improvement Program.
- II. "Road improvement" and "transportation improvement" have the meanings assigned by applicable Virginia law.

4. Subsequent Amendment to Zoning Map

Once proffered and accepted as part of an amendment to the Zoning Map, the conditions continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions, provided that the conditions continue in effect if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Code.

5. Future Amendments for Certain Proffers

- a. When voluntary conditions require the dedication of real property of substantial value, substantial cash contributions, or the construction of substantial public improvements whose need is not generated solely by the proposed rezoning, the City cannot subsequently amend the Zoning Map or the text of this Zoning Code in a manner that eliminates or materially reduces the development rights approved through the conditional rezoning as applied to the subject property.
- b. This protection applies to amendments that materially restrict or reduce the permitted uses, residential density, floor area ratio, or other approved development rights associated with the conditional rezoning.
- c. This provision does not apply if the amendment is necessary because of fraud, mistake, or a change in circumstances that substantially affects the public health, safety, or welfare.

6. Enforcement and Guarantees

a. Authority of Zoning Administrator

The Zoning Administrator has the 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:

- I. The ordering in writing of the remedy of any noncompliance with conditions;
- II. The bringing of legal action to ensure compliance with conditions, including injunction, abatement or other appropriate action or proceeding; and
- III. 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 will 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 constitutes cause to deny approval or issuance of any required Site Plan, Certificate of Zoning Compliance, Building Permit, or Certificate of Use and Occupancy, as may be appropriate.

7. Records and Index

The Zoning Map must show, by an appropriate symbol on the Map, the existence of conditions attached to the zoning. The Zoning Administrator must keep in the Administrator's Office and make available for public inspection a Conditional Zoning Index. The index must provide ready access to each ordinance creating conditions, in addition to the regulations provided for in a particular zoning district.

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 may petition the City Council for review of the decision by filing a petition with the Zoning Administrator and with the City Clerk within 30 days of the decision. The petition must specify the grounds upon which the petitioner is aggrieved.
- b. The City Council must review the appealed decision using the same process as the Zoning Administrator, but are not be bound by the Zoning Administrator's conclusions or findings. However, the City Council cannot modify or delete any condition attached to a Zoning Map amendment except by a formal amendment made pursuant to the provisions of this Section.
- c. An aggrieved party may petition the circuit court for review of the decision of the City Council on an appeal taken pursuant to this Section.

9. Amendments and Variations of Conditions

Amendments and variations of conditions attached to a Zoning Map amendment can be made only after public notice and hearing in the same manner as an original Zoning Map amendment and in accordance with this Section and applicable sections of State law.

6.2.5. Building Permit Compliance

A. Determination of Compliance

1. The Zoning Administrator is responsible for determining whether applications for permits meet the requirements of this Zoning Code.
2. No permits may be issued by the Commissioner of Buildings until the Zoning Administrator has confirmed that the proposed construction and use of the premises meet all applicable standards of this Zoning Code.
3. Approval of a building permit or land-disturbing permit may not be granted by the Commissioner of Buildings until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes on the subject property have been paid, provided that this requirement may be waived based on the following criteria:
 - a. A licensed medical doctor certifies in writing to the Zoning Administrator that an owner of a single-unit or two-unit dwelling has a disability that requires approval of a building permit for that dwelling to accommodate the disability;
 - b. A licensed medical doctor certifies 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
 - c. The Director of Finance certifies in writing to the Zoning Administrator that a payment schedule has been established for repayment of any delinquent real estate taxes on the subject property.

B. Applications

An application for Building Permit Compliance must be filed in accordance with **6.2.1.C**.

C. Plans to Accompany Applications

All applications for permits to erect, construct, enlarge, structurally alter, convert, or relocate any building or structure must be accompanied by building plans, specifications, and site plans as required by the Virginia Uniform Statewide Building Code, plus any additional information deemed necessary by the Zoning Administrator to enforce this Zoning Code.

D. Conformance with Approved Plans

It is illegal for any person to erect, construct, enlarge, extend, structurally alter, or use any building, structure, or premises unless they comply with plans approved by the Zoning Administrator as required by this article.

E. Pending Applications

As of the effective date of this Zoning Code, this Zoning Code and any amendment to this Zoning Code applies to all pending and not yet finally approved building permit applications.

6.2.6. Certificate of Use and Occupancy

A. Responsibility of Zoning Administrator

The Zoning Administrator is responsible for determining whether applications for Certificates of Use and Occupancy, as defined in the Virginia Uniform Statewide Building Code, meet the requirements of this Zoning Code.

B. Applications

An application for a Certificate of Use and Occupancy must be filed in accordance with **6.2.1.C**.

C. Plans to Accompany Applications

All applications for Certificates of Use and Occupancy must be accompanied by building plans, specifications and site plans, if required by the Virginia Uniform Statewide Building Code, and by any additional information deemed necessary by the Zoning Administrator to enforce this Zoning Code.

D. Issuance

1. No Certificate of Use and Occupancy or Temporary Certificate of Use and Occupancy may 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 the Zoning Code are met.
2. No Certificate of Use and occupancy may be issued for any development within a Chesapeake Bay Preservation Area until all requirements of *Chapter 14, Article IV of the City Code* and the approved Chesapeake Bay Site Plan have been met.

E. Temporary Certificate

1. The Zoning Administrator may not approve any Temporary Certificate of Use and Occupancy where the applicable sections of Zoning Code are not met, except when lack of compliance is of a temporary nature and involves signs or site-related improvements, such as landscaping, vegetative screening and paving. In these instances, the Zoning Administrator must be satisfied that the premises involved is physically suitable for use and occupancy in terms of access and other site-related improvements before approving the Temporary Certificate of Use and Occupancy.
2. Temporary Certificates of Use and Occupancy approved by the Zoning Administrator must state the nature of the incomplete work and the time period within which the work must be completed, which may not exceed 120 calendar days. Before approving any Temporary Certificate of Use and Occupancy, the Zoning Administrator requires 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 cannot exceed the time period specified above.
3. In the case of a temporary Certificate of Use and Occupancy involving a Chesapeake Bay Preservation Area, no Certificate may be issued without approval of the Chesapeake Bay Administrator.

6.2.7. Certificate of Zoning Compliance

A. Required

1. It is illegal for any person to use or to permit the use of any building, structure or premises or portion of a building, structure or premises, other than an existing single-unit or two-unit dwelling, unless a Certificate of Zoning Compliance has been approved by the Zoning Administrator.
2. It is also illegal 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 3 feet or greater in height, unless a Certificate of Zoning Compliance for the building or structure has been approved by the Zoning Administrator.
3. A Certificate of Zoning Compliance is not be required for fences, walls, poles, posts and other customary yard ornaments and accessories that are exempt from application for a Building Permit and that are permitted by the provisions of this Zoning Code.
4. The Certificate of Zoning Compliance must certify that the building, structure or premises and the use building, structure or premises comply with the applicable sections of this Zoning Code.
5. No Certificate of Zoning Compliance will be issued for any development within a Chesapeake Bay Preservation Area until all requirements of *Chapter 14, Article IV of the City Code* and the approved Chesapeake Bay Site Plan have been met.

B. Applications

An application for a Certificate of Zoning Compliance must filed in accordance with **6.2.1.C**.

C. Plans to Accompany Application

All applications for certificates of zoning compliance must be accompanied by such plans, specifications, site plans, and such additional information as required by the Zoning Administrator in order to determine compliance with the Zoning Code.

D. Transferability

A Certificate of Zoning Compliance is not transferable. Any new tenant or owner of a building, structure or premises must submit an application for a new Certificate of Zoning Compliance. New occupants of single-unit and two-unit dwellings are exempt from these requirements.

E. Issuance

1. No Certificate of Zoning Compliance may be issued unless the Zoning Administrator is satisfied, after inspection of the building, structure or premises involved, that all applicable sections of this Zoning Code are met.
2. Within 2 days after the filing of an application for a Certificate of Zoning Compliance or a Letter of Zoning Confirmation, the Zoning Administrator must publish the application on the City's website.
3. Within 2 days after a Certificate of Zoning Compliance or a Letter of Zoning Confirmation is issued, the Zoning Administrator must publish it on the City's website.

F. Fees for a Certificate of Zoning Compliance

1. A fee must accompany each Certificate of Zoning Compliance application for the respective use, which must be paid into the City treasury. The fees are as follows:

Portable storage unit or building or structure less than or equal to 100 square feet for which no building permit is required	\$50
Portable storage unit or building or structure greater than 100 square feet for which no building permit is required	\$100
1 or 2 dwelling units	\$100
3 to 12 dwelling units	\$200
Family day care home, home occupation, or home-based business	\$50
Place of worship or private education facility	\$200
Wireless communications facility	\$500
Short-term rental, valid for 2 years	\$600
Other uses, less than or equal to 5,000 square feet	\$300
Other uses, greater than 5,000 square feet	\$600

2. Approval of a Certificate of Zoning Compliance cannot 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.

G. Fees for Zoning Confirmation Letter

A fee must accompany each request for a Letter of Zoning Compliance for the respective use, which fee must be paid into the City treasury. The fees are as follows:

1 or 2 dwelling units	\$100
3 to 12 dwelling units	\$200
Family day care home, home occupation, or home-based business	\$50
Place of worship or private education facility	\$200
Other uses, less than or equal to 5,000 square feet	\$300
Other uses, greater than 5,000 square feet	\$600
Buildable lot letter	\$300
Additional fee for filing an expedited application for a letter of zoning compliance for any use, which shall be processed within five business days	\$600

6.2.8. Appeals, Variances, and Special Exceptions

A. Appeals

Pursuant to *Section 17.20 of the Charter* and according to the rules and procedures established by the Board of Zoning Appeals, appeals may be taken to the Board of Zoning Appeals by any person aggrieved or by any officer, department, board, commission or agency of the City affected by any decision of the Zoning Administrator, Planning Director or an administrative officer in the administration or enforcement of this Zoning Code.

B. Applications

An application for an Appeal, Variance, or Special Exception must be filed in accordance with **6.2.1.C**.

C. Appeal Period

1. An appeal must be filed with both the Zoning Administrator and the Board of Zoning Appeals by submitting a written notice of appeal that states the grounds for the appeal.
2. Except as otherwise provided in this section, an appeal must be filed within 30 days after the date of the decision being appealed.
3. An appeal involving a short-term or recurring violation of this Zoning Code must be filed within 10 days after the date of the decision being appealed. Short-term or recurring violations include, but are not limited to, the following:
 - a. Temporary or seasonal commercial uses.
 - b. Parking of commercial trucks in residential zoning districts.
 - c. Maximum occupancy limitations for a dwelling unit.
 - d. Occupancy of a recreational vehicle or the parking or storage of a recreational vehicle, manufactured home, or semitrailer.
 - e. Placement, erection, or maintenance of a temporary sign, temporary sales or display area, play equipment, vending machine, or similar temporary installation.
 - f. Placement of a portable storage unit within a required yard.
 - g. Parking of a vehicle within a front yard or street side yard, or on an unimproved surface where not allowed.
 - h. Operation or maintenance of a flea market.
 - i. Other violations determined by the Zoning Administrator to be temporary, recurring, or of limited duration that application of the standard 30-day appeal period would impair effective enforcement of this Zoning Code.

D. Variances and Exceptions

1. Under the conditions and circumstances in *Section 17.20 of the Charter* and according to the rules and procedures established by the Board of Zoning Appeals, variances from and exceptions to the provisions of this Zoning Code may be granted by the Board of Zoning Appeals.

2. A permit implementing the granting of a variance or exception may not be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes on the subject property have been paid.

E. Additional Exceptions Granted by the Board of Zoning Appeals

1. General Provisions

- a. Pursuant to *Code of Virginia, § 15.2-2309*, the following exceptions to the district regulations or other restrictions set out in this Zoning Code may be granted by the Board of Zoning Appeals, provided the exceptions:
 - I. By their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property,
 - II. Do not unreasonably impair an adequate supply of light and air to adjacent property, will not increase congestion in streets; and
 - III. Do not increase public danger from fire or otherwise unreasonably affect public safety, and do not diminish or impair the established property values in surrounding areas.
- b. In granting an exception, the Board of Zoning Appeals may be satisfied that it is consistent with the intent statement and the conditions as set forth in the particular exception, and the Board of Zoning Appeals may attach any specific conditions and limitations as it deems necessary to satisfy the general conditions of this paragraph and the intent of the exception.

2. Construction of or Additions to Dwellings or Accessory Structures

a. Intent

- I. Many existing lots in the City are characterized by small size, irregular configuration or other condition that current yard and/or building coverage requirements severely inhibit their development for permitted dwelling use consistent with modern day dwelling needs.
- II. 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.
- III. Many dwellings were constructed on relatively small lots and/or were constructed in a manner that current yard or building 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.
- IV. It is often desirable to permit construction of new dwelling units, accessory dwelling units, additions or accessory structures to advance goals of increasing residential density, home ownership opportunities, and the general availability of housing, and to encourage resident retention and the improvement of property and neighborhoods generally.

b. Exceptions

Construction of or additions to single-unit detached, single-unit attached, two-unit or multi-unit dwellings or accessory structures on lots occupied by dwellings when these dwellings, additions or accessory structures cannot meet applicable yard and/or building coverage

requirements. The dwellings, additions or accessory structures may be permitted, provided the Board of Zoning Appeals is satisfied that:

- I. 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;
- II. The departure from the applicable yard and/or building 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
- III. Any addition to an existing dwelling or construction of or addition to an accessory structure is in keeping with the architectural character of the existing dwelling on the property, and any newly constructed dwelling or accessory structure is in keeping with the development pattern of the neighborhood.

3. Height of Fences and Walls in Yards

a. Intent

- I. 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.
- II. In addition, 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.
- III. It is often desirable in situations to permit greater height of fences and walls than normally permitted 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.

b. Exceptions

Fences and walls not exceeding 8 feet in height when located within a required side yard, rear yard, street side yard, or front yard. For purposes of this subsection, the height of a fence or wall includes the height of posts, columns, gates and ornamentation. An 8-foot height fence is allowed, provided the Board of Zoning Appeals is satisfied that:

- I. The property on which the fence or wall is to be constructed is devoted to a conforming dwelling.
- II. 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.

- III. The design and construction materials of the fence or wall is compatible with the main building and other structures located on the lot and with the general character of development in the immediate surrounding area.
- IV. 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.
- V. The fence or wall will be constructed in compliance with applicable requirements of the Virginia Uniform Statewide Building Code.

4. Nonconforming Use; Enlargement, Extension or Alteration

a. Intent

- I. 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.
- II. 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.

b. Exceptions

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

- I. The applicant can show that an 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;
- II. In no case can the amount of floor area devoted to the nonconforming use be increased more than 10%;
- III. There can be no increase in the number of dwelling units on the property, and granting of the exception cannot result in noncompliance with any yard, open space, or other requirements of this Zoning Code or any increase in the degree or extent of any nonconforming feature;
- IV. There can be no increase in the area of any lot devoted to a nonconforming use, unless the increase is for purposes of enhancing screening, buffering, separation or other amenities or means of protection for adjoining and surrounding properties; and
- V. In all other respects the property continues to be subject to the rights and limitations of 6.3.1 relative to nonconforming uses, except that the Board of Zoning Appeals may

impose conditions and further limitations as they may deem necessary in the public interest.

5. Nonconforming Use; Reestablishment or Change in Use

a. Intent

- I. In some cases, nonconforming uses have been discontinued and buildings have remained vacant for a period of 2 years or longer where there was no intent to relinquish the nonconforming rights associated with the property.
- II. In other cases, nonconforming uses have been changed to uses in violation of applicable provisions of this Zoning Code. In many of these instances, the buildings in question have little or no potential for conforming uses, and occupancy by the last nonconforming use, or 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.

b. Exceptions

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:

- I. The property owner can show 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;
- II. If a nonconforming use is changed to a more restricted use or a conforming use, the Board of Zoning Appeals cannot authorize reestablishment of the nonconforming use or any change to a less restricted use;
- III. If the building or structure is vacant or the nonconforming use has been changed to an illegal use, the Board of Zoning Appeals may authorize reestablishment of the last nonconforming use or change to a use that meets all of the **6.3.1.D.1**.
- IV. In all other respects the property shall continue to be subject to the rights and limitations of **6.3.1** relative to nonconforming uses, except that the Board of Zoning Appeals may impose conditions and further limitations as they may deem necessary in the public interest.

6. Nonconforming Use; Addition of Parking

a. Intent

- I. The addition of parking spaces to serve a nonconforming use is generally not allowed, 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 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.
- II. It is the intent of this exception to enable the addition of off-street parking spaces to serve 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 of Zoning Appeals with consideration for the specific characteristics of the use and its relation to adjoining and surrounding properties, and with the opportunity for the Board of Zoning Appeals to impose such conditions and safeguards as necessary.

b. Exceptions

The addition of off-street parking spaces to serve a nonconforming use is allowed, provided that:

- I. The nonconforming use is not in an RC, RD-, RA- or RM- district, unless the nonconforming use is a dwelling;
- II. The off-street parking spaces are located on the same lot as the nonconforming use, or on a contiguous lot;
- III. The addition of accessory off-street parking spaces will not result in the demolition of any main building;
- IV. All applicable parking improvement requirements and landscaping standards in **4.3, *Vehicle Access and Mobility*** will be met where feasible, as determined by the Board of Zoning Appeals, provided that the Board of Zoning Appeals may impose such conditions and further limitations as it may deem necessary in the public interest;
- V. The applicant has shown to the satisfaction of the Board of Zoning Appeals that the additional off-street parking spaces will not result in any greater adverse impacts on adjoining and surrounding properties than would result without the additional parking.

7. Building or Story Height

a. Intent

- I. 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 or story 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 zoning district.
- II. Additional building or story height may also be appropriate where taller buildings are located nearby and to establish a transition from taller buildings to buildings of less height. In such cases, flexibility to enable additional building or story 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.

b. Exceptions

The maximum permitted building or story height in any district except RC, RA-A, RD-B, RD-C, and RA, may be increased, provided that:

- I. The proposed use of the building is consistent with the use regulations applicable in the zoning district in which the property is located;

- II. The applicant has demonstrated that the additional height authorized by an 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;
- III. The Board of Zoning Appeals must be satisfied that the design, construction materials and overall mass of the building is compatible with the general character of development in the immediate surrounding area.

8. Freestanding Signs

a. Intent

- I. There are instances in the City where adequate identification of uses is not afforded by the height limitations or yard regulations, or both, applicable to permitted freestanding signs because of unusual physical characteristics of the property or the adjacent area.
- II. In such instances, there is a need for flexibility in application of the height or setback requirements, or both, 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.

b. Exceptions

The height and setback provisions applicable to permitted freestanding signs, other than billboard signs, may be modified provided that:

- I. The applicant has demonstrated 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 setback requirements applicable to a permitted freestanding sign on the site would prohibit or unreasonably impair visibility of such sign from the adjacent street;
- II. The applicant has demonstrated 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 the use and character of the surrounding area, and is not for the purpose of affording a competitive advantage for the use of the property;
- III. The applicant has demonstrated 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;
- IV. The Board of Zoning Appeals may attach 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.

F. Administrative Variances

1. *Pursuant Code of Virginia, § 15.2-2286*, and in accordance with the following criteria, the Zoning Administrator is authorized to grant variances from the building setback requirements when:
 - a. The Zoning Administrator finds in writing that:
 - I. The strict application of this Zoning Code would produce undue hardship;
 - II. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - III. The authorization of the variance would not be of substantial detriment to adjacent property; and
 - IV. The character of the zoning district would not be changed by the granting of the variance.
 - b. A variance granted by the Zoning Administrator must be the minimum necessary to relieve the hardship.
 - c. Prior to the granting of a variance, the Zoning Administrator must 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. The owners must 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 the request in writing within the time specified above, the request must be transferred to the Board of Zoning Appeals for decision in accordance with the rules of procedure of the Board.
 - d. Applications for variances authorized under this section must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator for the purpose, along with the plans as required by the Zoning Administrator, and be accompanied by a fee of \$100, which fee must be paid into the Treasury of the City.
2. The Zoning Administrator is authorized to grant a variance from:
 - a. Side and rear setback requirements for new single and two-unit dwellings and accessory structures or additions to existing single and two-unit dwellings and accessory structures;
 - b. Front, side, and rear setback requirements for second-story additions to single and two-unit dwellings;
 - c. Front setback requirements for new single and two-unit dwellings on corner lots or additions existing single and two-unit dwellings on corner lots;
 - d. Front, side, and rear setback requirements, not to exceed 1 linear foot, for any structure existing or partially-constructed which does not comply with the applicable setback requirements at the time the structure was constructed, if the noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a building permit, if a permit was required.
 - e. Clear pedestrian zone depth requirements, not to exceed 1 linear foot;

- f. Pedestrian access requirements, only when the abutting street does not contain a public sidewalk;
- g. Site element screening requirements; and
- h. Fence and wall requirements.

6.2.9. Special Use Permit

A. Issuance

Pursuant to *Section 17.11 of the Charter* and in accordance with the following requirements, the City Council may authorize the use of land, buildings and structures that do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated and may authorize the issuance of a Special Use Permits to property owners and their successors, whenever the City 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.

B. Applications

An application for a Special Use Permit must filed in accordance with **6.2.1.C**.

C. Notice and Public Hearing by Planning Commission

The Planning Commission must 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 must 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 must be prepared by the City Assessor, as shown on the current tax records of the City.

D. Notice and Public Hearing by City Council

The City Council must 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 must 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 must be furnished by the City Assessor and must be as shown on the current tax records of the City.

E. Posting of Notice on Property

In the case of each application for a Special Use Permit or amendment to a Special Use Permit, it is 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 notifying interested parties of the application and pending public hearing. The sign must:

1. Be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application;

2. Remain on the property until final disposition of the application by the City Council; and
3. Comply with any applicable standards established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

F. Filing Fees

1. A fee as listed below must accompany each Special Use Permit application, which shall be paid into the City treasury:

Sign, patio, fence, wall, or other improvement that is not a building or structure	\$400
Principal use of 1 or 2 dwelling units, excluding short-term rental	\$400
Principal use of 3 to 12 dwelling units, excluding short-term rental	\$800
Day care or outdoor dining, less than or equal to 5,000 square feet and less than or equal to 3 stories	\$400
Emergency housing, permanent supportive housing, and transitional housing, less than or equal to 5,000 square feet and less than or equal to 3 stories	\$800
Emergency housing, permanent supportive housing, and transitional housing, greater than 5,000 square feet or greater than 3 stories	\$1,200
Other uses, less than or equal to 5,000 square feet and less than or equal to 3 stories	\$2,400
Other uses, greater than 5,000 square feet or greater than 3 stories	\$3,600

2. A fee must 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, and a fee in the same amount must 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, which must be paid into the City treasury. Fees are as follows:

Sign, patio, fence, wall, or other improvement that is not a building or structure	\$200
Principal use of 1 or 2 dwelling units, excluding short-term rental	\$200
Principal use of 3 to 12 dwelling units, excluding short-term rental	\$400
Day care or outdoor dining, less than or equal to 5,000 square feet and less than or equal to 3 stories	\$200
Emergency housing, permanent supportive housing, and transitional housing, less than or equal to 5,000 square feet and less than or equal to 3 stories	\$400
Emergency housing, permanent supportive housing, and transitional housing, greater than 5,000 square feet or greater than 3 stories	\$600
Other uses, less than or equal to 5,000 square feet and less than or equal to 3 stories	\$1,200
Other uses, greater than 5,000 square feet or greater than 3 stories	\$1,800

3. There is 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 is not to be allowed; provided, however, that the 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.

4. There is no charge for the first continuance requested by the applicant. A fee of \$400 must accompany each subsequent continuance requested by the applicant, which fee must be paid into the City treasury.
5. There is no charge for a continuance requested by the Planning Commission.
6. A permit implementing the granting of a Special Use Permit or an amendment to a Special Use permit must 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.

G. Violation of Conditions

1. Upon noting that a condition of a Special Use Permit has been violated, the Zoning Administrator must issue a written notice of violation to the property owner. The notice must inform the property owner which condition has been violated, the nature of the violation, and that the Planning Commission will hold a public hearing at which it will review the violation and the Special Use Permit, if:
 - a. The property owner has not ceased the violation within 30 days of the issuance of the notice; or
 - b. Three notices of violation are issued to the property owner within any 12-month period.
2. A notice of violation runs 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 does not count against the other parcels.

H. Review Procedure on Appeal

1. The Zoning Administrator must issue to the property owner a notice advising that the Planning Commission will hold a public hearing at which it will review the violation and the Special Use Permit, if:
 - a. The property owner has not abated a violation within 30 days of the issuance of a notice of violation under **6.2.9.G**; or
 - b. Three notices of violation have been issued to the property owner within any 12-month period.
2. This notice must also inform the property owner that City Council will make the final determination as to whether it will revoke the Special Use Permit, allow the Special Use Permit to remain in effect, or amend the Special Use Permit.

I. Notice and Public Hearings

1. 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 must be given in accordance with the Charter and applicable State law.

2. The Planning Commission must hold a public hearing at which it will review the violation and the Special Use Permit. After the public hearing, the Planning Commission must 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.

J. City Council Action

1. Upon issuance of the recommendation of the Planning Commission regarding a Special Use Permit, the Secretary of the Planning Commission must 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:
 - a. Revoke the Special Use Permit;
 - b. Allow the Special Use Permit to remain in effect; or
 - c. Amend the Special Use Permit.
2. No action taken will in any way limit the City's right to pursue any other remedy at law or in equity against the property owner.

K. Applicability of 6.2.9.G through 6.2.9

~~6.2.9.G~~ through ~~6.2.9.J~~ apply only to Special Use Permits adopted after the effective date of the Zoning Code.

6.2.10. Community Unit Plan

A. Applicability

These regulations apply to community unit plans and are established pursuant to *Section 17.10(g) of the Charter*.

B. Eligibility

A community unit plan may be proposed for a tract of land that:

1. Is located in any zoning district;
2. Contains at least 10 contiguous acres, excluding intervening public streets and alleys; and
3. Is proposed to be developed in a manner that does not conform to all of the regulations of the underlying zoning district.

C. Preliminary Plan

A preliminary Community Unit Plan must include:

1. The maximum number of dwelling units and the maximum amount of residential and commercial floor area.
2. The general location and character of buildings, structures, and open space.
3. The general location of site access, parking, and vehicle circulation.
4. Features of the plan that are intended to ensure compatibility with surrounding development.
5. A statement explaining how the plan meets the approval criteria in **6.2.10.D**.

D. Planning Commission Review

1. The Planning Commission must approve the preliminary community unit plan if it finds that the proposed development:
 - a. Protects the health, safety, and welfare of people living on and around the site.
 - b. Does not unreasonably reduce access to light and air on adjacent property.
 - c. Does not unreasonably increase traffic congestion.
 - d. Does not unreasonably increase the risk of fire or otherwise create a threat to public safety.
 - e. Does not diminish or impair established property values in surrounding areas.
2. The Planning Commission must hold a public hearing before making its decision. The Planning Director must provide a report to the Planning Commission.
3. Notice of the time and place of the public hearing must be provided as required by law. The City Assessor must provide the names and addresses of property owners who are entitled to receive notice based on the City's current tax records.

E. Planning Commission Action

1. The Planning Commission must base its decision on written findings of fact. The findings must be kept with the Commission's records.
2. The Planning Commission must act by formal resolution stating the reasons for its decision.
3. If the Planning Commission approves the preliminary plan, it must send the resolution and findings of fact to the City Council.

F. City Council Review

1. The City Council must hold a public hearing on the preliminary Community Unit Plan. Notice of the hearing must be provided as required by law. The City Assessor must provide the names and addresses of property owners who are entitled to receive notice based on the City's current tax records.
2. The City Council may approve the preliminary plan by ordinance if it agrees with the Planning Commission's findings of fact.

G. Final Plan

1. After the City Council approves the preliminary plan, a final plan must be submitted to the Planning Commission within the time specified in the ordinance approving the plan.
2. The final plan must show the proposed site layout and the character of the proposed improvements in detail.
3. After receiving a report from the Planning Director, the Planning Commission must approve the final plan if it finds that:
 - a. The plan meets the requirements of 6.2.10.D.
 - b. The plan is consistent with the objectives of the preliminary plan approved by the City Council.
 - c. The plan does not conflict with any conditions imposed by the City Council.
4. The Planning Commission may not approve a final plan that, compared with the approved preliminary plan:
 - a. Increases the number of dwelling units;
 - b. Increases the amount of residential or commercial floor area; or
 - c. Creates a greater deviation from the underlying zoning regulations.

H. Construction and Occupancy Permits

1. The Planning Commission must send the resolution approving the final Community Unit Plan to the Zoning Administrator.
2. The Zoning Administrator may then review and process the permits required for construction and occupancy.

3. Applications for building permits must be submitted within the time specified in the resolution approving the final plan. If an application is not submitted within that time, the Planning Commission's approval is void.

I. Preliminary Plan as Final Plan

A preliminary Community Unit Plan may serve as the final plan if:

1. The preliminary plan includes the detailed site layout and character of the proposed improvements;
2. The plan meets all other requirements of this Section; and
3. The plan is not modified after City Council approval.
4. In this case, the City Council may authorize the issuance of construction and occupancy permits within a specified period, and Planning Commission approval of a separate final plan is not required.

J. Fees

1. A fee of \$3,000, plus \$100 for each acre over 10 acres, is required with a preliminary Community Unit Plan application.
2. A fee of \$1,500, plus \$100 for each acre over 10 acres, is required with a final Community Unit Plan application.
3. A fee of \$1,500 is required with an application to extend a Community Unit Plan.
4. A fee of \$1,500, plus \$100 for each acre over 10 acres included in the amendment, is required with an application to amend a community unit plan.
5. All fees must be paid to the City treasury.
6. Before the Secretary of the Planning Commission accepts an application, the applicant must provide satisfactory evidence that all delinquent real estate taxes on the property have been paid. For an amendment, this requirement applies only to the property included in the amendment.

K. Notice on Property

For each Community Unit Plan or amendment application, the Department of Planning and Development Review must post a sign on the property notifying the public of the application and scheduled public hearings. The sign must:

1. Be posted at least 15 days before the Planning Commission public hearing;
2. Remain on the property until the City Council makes a final decision on the application; and
3. Meet the sign standards established by the Department of Planning and Development Review and approved by the Planning Commission.

SEC. 6.3. **NONCONFORMITIES**

6.3.1. **Nonconforming Uses**

A. Continuation

Nonconforming uses may be continued subject to the following limitations so long as the existing or more restricted use continues.

B. Alterations to Buildings or Structures Devoted to Nonconforming Uses

1. A building or structure occupied by a nonconforming use must not be enlarged, expanded, extended, reconstructed, relocated, or structurally altered unless the building or structure is used for a conforming use. Nothing in this section prohibits:
 - a. Ordinary repair and maintenance;
 - b. Nonstructural alterations that do not increase the degree of nonconformity; or
 - c. Work necessary to comply with applicable laws or regulations, including alterations, reinforcement, or restoration required to correct unsafe conditions.
2. The following additional activities are permitted:
 - a. 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.
 - b. 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, 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.

C. Extension or Expansion

1. Except as expressly permitted by this Section, a nonconforming use must not:
 - a. Expand, enlarge, or extend onto any portion of a lot, building, or structure that was not lawfully occupied by the use on the date the use became nonconforming.
 - b. Be relocated to another building or structure or to another portion of the lot.
 - c. Increase the number of dwelling units associated with the nonconforming use.
2. A nonconforming use may be extended into portions of an existing building that were lawfully constructed and specifically designed or arranged for that use on the date the use became nonconforming, provided the expansion does not increase the number of dwelling units.

3. A nonconforming use must not be changed in a manner that increases its impacts on surrounding properties. No material change in a nonconforming use or material change in the program or operating characteristics of a nonconforming use can take place that would increase the intensity of the use.
4. Fences, walls, and building-mounted and freestanding solar energy systems are permitted on properties devoted to nonconforming uses in the same manner and subject to the same requirements as properties devoted to conforming uses.

D. Changes

1. A nonconforming use may be changed to a use conforming to the regulations applicable in the zoning district in which it is located or to a use, as determined by the Zoning Administrator, which meets all of the following criteria:
 - a. 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 the use is not a use permitted by Conditional Use Permit in that zoning district.
 - b. The use does not have a greater amount of vehicular trip generation than the nonconforming use, as determined by the Institute of Transportation Engineers Common Trip Generation Rates or a similar vehicular trip generation system.
 - c. The use does not have a greater number of employees or a greater amount of noise, smoke or odor than the nonconforming use.
 - d. The use does not otherwise constitute a greater deviation from the regulations pertaining to permitted principal or accessory uses applicable in the zoning district in which it is located.
 - e. 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 Zoning Code 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.
 - f. In addition to the other criteria set forth in this section, a nonconforming use which is listed as a permitted use in an Institutional District or Campus District, either 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..
2. Whenever a nonconforming use is changed to a more restricted use or to a conforming use, the use will not be allowed to be changed to a less restricted use, unless such use is permitted by this Zoning Code.
3. When a change in a nonconforming use to a more restricted use as permitted by paragraph 1. above or to a conforming use would result in imposition of a greater setback or amenity space requirement, the requirement is not to 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 Zoning Code.
4. When a nonconforming use has been changed to an illegal use, the illegal use must cease, and any subsequent use of the property must conform to the applicable zoning district or, if the

nonconforming use has been discontinued for a period of less than 2 years, the illegal use may be changed to the last nonconforming use or to a use that is more restricted than such use.

E. Discontinuance in General

Whenever a nonconforming use of a building or structure is discontinued for a period of 2 years or longer, whether or not equipment or fixtures are removed, any subsequent use of the premises must conform to the regulations applicable in the zoning district in which it is located.

F. Damage to Buildings Devoted to Nonconforming Uses

1. A building containing a nonconforming use that is damaged or destroyed by fire, explosion, natural disaster, or other casualty may be restored, repaired, reconstructed, or replaced and used for the same nonconforming use, provided that the area devoted to the nonconforming use is not increased.
2. An application for a building permit for the restoration, repair, reconstruction, or replacement must be submitted within 2 years after the date of the damage or destruction. If an application is not submitted within this period, the building and property must be used only for conforming uses, except as otherwise permitted by *Section 17.20 of the Charter*.
3. If the building is located within an area subject to a Federal disaster declaration and the building was damaged or destroyed as a direct result of the conditions that gave rise to the declaration, the time period for submitting a building permit application is extended by 2 additional years.

G. Seasonal Uses

Intermittent or temporary use of land, buildings or structures are not construed to establish the existence of a nonconforming use, provided that a lawful seasonal use that was in operation for at least 2 consecutive seasons immediately prior to the adoption of the ordinance from which this Zoning Code is derived or a subsequent amendment is considered a nonconforming use for seasonal purposes only and is subject to this Section.

6.3.2. Nonconforming Features

A. Continuation

Nonconforming features of uses, buildings and structures may be continued subject to the following.

B. Alterations to Buildings or Structures Having Nonconforming Features

1. Any building or structure having a nonconforming feature may be maintained, enlarged, extended or structurally altered, provided that the enlargement, extension or structural alteration does not increase the degree or extent of the nonconforming feature and provided, further, that no building or structure having a nonconforming feature is moved, reconstructed or substituted with another building or structure unless the nonconforming feature is eliminated and the building or structure is made to conform with the Zoning Code.
2. Vertical expansion of that part of a building which is nonconforming with regard to a setback or amenity space requirement is considered an increase in the extent of the nonconforming feature and is not allowed.

3. For the purpose of this section, the installation of wireless communications facilities, building-mounted solar energy systems, microwave relay facilities, or radio and television broadcast antennas, through use of alternative support structures, is not deemed to increase the degree or extent of a nonconforming feature, provided the applicable requirements of that section are met.

C. Alterations to Communications Support Structures

1. 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, or rebuilt for the purpose of accommodating additional antennas, provided the modification, strengthening, 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 10%.
2. If the existing support structure is not of a monopole design and rebuilding is proposed, the replacement support structure must be of monopole design.

D. Damage to Buildings or Structures Having Nonconforming Features

1. A building or structure containing a nonconforming feature that is damaged or destroyed by fire, explosion, natural disaster, or other casualty may be restored, repaired, or reconstructed as it existed before the damage, provided that the restoration, repair, or reconstruction does not increase the degree or extent of any nonconformity that existed before the damage.
2. An application for a building permit for the restoration, repair, or reconstruction must be submitted within 2 years after the date of the damage or destruction. If an application is not submitted within this period, the building or structure may be repaired, rebuilt, or replaced only in conformance with this Zoning Code, except as otherwise permitted pursuant to *Section 17.20 of the Charter*.
3. When a main building is located in any zoning district in which building height is limited by number of stories and when the main building is nonconforming with regard to number of stories or is nonconforming with regard to height of stories, and is damaged by fire, explosion, act of God or the public enemy to any extent, the building or structure may be restored, repaired or reconstructed to that number of stories or height of stories as existed before the damage, provided that restoration, repair or reconstruction does 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 is submitted within 2 years of the date of damage.
4. If the building or structure is located within an area subject to a Federal disaster declaration and was damaged or destroyed as a direct result of the conditions that gave rise to the declaration, the period for submitting a building permit application is extended by 2 additional years.

6.3.3. Violations

A. Unlawful Continuance

Nothing contained in these nonconforming provisions authorizes or permits the continuation of any use or feature that was in violation of this Zoning Code at the time it was established. Any such use or feature is considered illegal.

SEC. 6.4. **ENFORCEMENT**

6.4.1. **Violations and Penalties**

A. Prohibited Conduct

It is unlawful for any owner, occupant, tenant, lessee, property manager, agent, architect, engineer, contractor, builder, or any other person to:

1. Violate any provision of this Zoning Code.
2. Violate any condition of a development approval, including a Conditional Use Permit, Special Use Permit, Community Unit Plan, or other approval issued under this Zoning Code.
3. Fail or refuse to comply with any requirement imposed by this Zoning Code.
4. Cause, assist, maintain, or permit any violation of this Zoning Code.

B. Violations

Each day a violation continues after notice or after the expiration of any compliance period constitutes a separate offense unless otherwise provided by applicable law.

C. Penalties

1. Any person who violates this Zoning Code is subject to the penalties authorized by applicable state law, including criminal penalties, civil penalties, fines, imprisonment, or administrative penalties, as applicable.
2. Where state law establishes specific penalties for particular violations, including violations involving occupancy limits in residential dwellings, those penalties apply.
3. The City may also assess administrative fees authorized by law to recover the costs of enforcement.

D. Other Remedies

The penalties provided in this Section are cumulative and do not limit the City's authority to pursue any other remedy authorized by this Zoning Code or by state law, including the issuance of stop-work orders, revocation of permits or approvals, injunctions, or other actions necessary to prevent or correct a violation.

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ARTICLE 7.

DEFINITIONS

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SEC. 7.1. **GENERAL TERMINOLOGY**

7.1.1. **General Rules of Interpretation**

A. More Restrictive Rules Apply

The following rules apply in the interpretation this Zoning Code:

1. Where the standards specified in this Zoning Code are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, then the more restrictive or higher standard governs.
2. If any regulation or standard specified in this Zoning Code as being applicable to any use, structure, activity, or undertaking conflicts with any other regulation or standard, then the more restrictive or higher standard governs.

B. References to Virginia Code

All references within this Zoning Code to specific titles, chapters, articles and sections of the Virginia Code refer to those in effect on the effective date of this Zoning Code, and are also construed as references to successor titles, chapters, articles and sections *mutatis mutandis*.

C. Internal References

References to terms “Article,” or “Section” include the Article, Section referred to and any further subsections contained in that portion of this Zoning Code.

D. Headings, Illustrations, and Text

In the case of any difference of meaning or implication between the text of this Zoning Code and any heading, drawing, table, figure, or illustration, the text controls.

E. Lists and Examples

Unless otherwise specified, lists of terms or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples, and are not to be considered exhaustive lists of all possibilities.

F. Computation of Time

References to days are calendar days, unless otherwise stated. The time when an act is to be done must be computed by excluding the first day and including the last day. When the last day for any required act to occur falls on a Saturday, Sunday, or legal holiday recognized by the City of Richmond, the act may be completed on the next calendar day the City is open for business.

G. References to Other Regulations, Publications, and Documents

Wherever reference is made to a resolution, ordinance, statute, regulation, or document, it is construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulations, or document, unless otherwise specified.

H. References to Public Officials, Bodies, and Agencies

References to public officials, bodies, and agencies are those of the City, unless otherwise indicated.

7.1.2. Terminology

A. Technical and Non-Technical Terms

Words and phrases are construed according to the common and approved usage of English, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law are construed and understood according to such meaning.

B. Mandatory and Discretionary Terms

The words "will," "can," and "must" are mandatory terms. The words "may," and "should" are advisory and discretionary terms.

C. Conjunctions

Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:

1. The term "and" indicates that all connected terms, conditions, provisions, or events apply; and
2. The term "or" indicates that one or more of the connected terms, conditions, provisions, or events may apply.

D. Tenses and Plurals

Words that are used in one tense, being past, present, or future, include all other tenses, unless the context clearly indicates otherwise. The singular includes the plural, and the plural includes the singular.

E. Numbers

A word importing the singular number may extend and be applied to several persons or things as well as to one person or thing. A word importing the plural number may extend and be applied to one person or thing as well as to several persons or things.

F. Specific Terms

1. "Person"

The word "person" includes an individual, firm, a partnership, a corporation, or any other legal entity.

2. "Use" and "Used"

The phrase "used for" includes "arranged for," "designated for," "intended for," "maintained for," and "occupied for." The term "use" as a verb is construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used."

SEC. 7.2. DEFINED TERMS

A

Abut or abutting. To directly touch or have a common boundary with.

Accessory dwelling unit. See 3.5.2.A.

Accessory structure or building. A structure or building used for purposes incident and subordinate to the principal use of the premises, see 3.5.

Accessory use. A use of land or use of a structure or building for purposes incident and subordinate to the principal use of the premises, see 3.5.

Active depth. See 2.6.10.

Active space. Any occupiable space designed and intended for living, sleeping, eating, or cooking. Restrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered active space.

Addition. See 2.1.3.A.

Adjacent. To touch or have a common boundary with, or being separated only by a street or alley right-of-way, or easement.

Adult bookstore. 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% or more of the gross income of the establishment is derived from the sale, rental or viewing of such materials;
2. 25% or more of the floor area of the premises is devoted to the display or storage of such materials; or
3. 25% of the stock in trade of the establishment is comprised of such materials.

Adult business. Adult entertainment establishment, adult book store, adult motion picture theater and massage parlor.

Adult entertainment establishment. 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 is deemed to be an adult entertainment establishment. The restrictions in this definition do not apply to a legitimate theatrical performance where nudity or seminudity is only incidental to the primary purpose of the performance.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films (which term also includes 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 are presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

Agriculture. See 3.3.4.B.

Alley. A public private way that is publicly accessible and offering, or intended to offer, a secondary means of access to properties.

Animal care, outdoor. See 3.3.4.I.2.

Automated teller machine (ATM). See 3.5.2.C.

B

Basement. An occupiable portion of a building located below a ground story.

Block. 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.

Block face. All lots abutting both sides of a street between two intersecting streets.

Booking transaction. Any transaction in which there is a charge to one or more short-term renters by a short-term rental operator in exchange for the occupancy of a short-term rental.

Build-to zone. See 2.6.6. *Build-to*.

Building. A structure having a roof and intended for the shelter or enclosure of people or goods.

Building, accessory. A building or structure subordinate to the principal structure on a lot.

Building, primary. The building occupied or designated for the primary use.

Building coverage. See 2.6.4.A.

DEFINED TERMS

Building height. See 2.6.8.A.

Building module. Sub-areas of a building footprint used in the building module method to determine building height and average grade.

Building permit. The approval required under the Uniform Statewide Building Code in connection with construction of a building or structure -see 6.2.5.

Business college. See 3.3.3.C.2.

C

Caliper. A measurement of tree size, determined by measuring the diameter of the tree at a point 6 inches above the root ball at the time of planting, or 12 inches above the ground for established trees.

Cemetery. See 3.3.3.D.3.

Certificate of use and occupancy. The approval required under the Uniform State Building Code prior to the use or occupancy of certain buildings and structures - see 6.2.6.

Certificate of zoning compliance. See 6.2.7.

Change of use. See 2.1.3.E.

Civic. See 3.3.3.A.

Civic, general. See 3.3.3.A.1.

Clear pedestrian zone. See 4.2.1.

Co-housing. See 3.3.2.B.2.

College. See 3.3.3.C.3.

Commission. The Planning Commission for the City of Richmond.

Covered. Anything that exceeds the definition of uncovered is considered covered.

Crematorium. See 3.3.5.A.3.

D

Data center. See 3.3.5.C.2.

Day care. See 3.3.3.B.

Day care, general. See 3.3.3.B.1.

Day care, family day care home. See 3.5.2.E.

Diameter at breast height (DBH). A measurement of tree size, determined by measuring outside bark diameter at 4.5 feet above grade on the uphill side of a tree.

Distillery, small. See 3.3.4.D.3.

Drive-through facility. See 3.5.2.D.

Driveway. Private vehicular access from a street or alley to the interior of a lot.

Dwelling or dwelling unit. A building, or portion of a building, designed, arranged, and used for independent living quarters for one or more persons living as a household with permanent facilities for living, sleeping, eating, food preparation, and sanitation.

Dwelling unit, accessory (ADU). See 3.5.2.A.

Dwelling units per lot. See 2.6.3.

E

Easement. A right given to a person or entity to access, cross, or use land owned by another person or entity.

Education. See 3.3.3.C.

Education, general. See 3.3.3.C.1.

Electric substation. See 3.3.3.E.3.

Emergency housing. See 3.3.2.C.1.

Enclosed. Anything that exceeds the definition of unenclosed is considered enclosed.

Encroachments, height. See 2.6.8.A.8.

Encroachments, setback. See 2.6.5.E.

Entertainment and Recreation. See 3.3.4.C.

Entry feature. See 2.6.12.B.

Exterior face. The outermost surface of any object such as a window, wall, or building.

Exterior wall. Any wall which forms the envelope of the building, separating its interior from its exterior.

F

Facade. The above-grade, non-roof portions of the exterior building envelope.

Facade area. Any surface area of a facade.

Facade modification. See 2.1.3.D.

Farmers' market. See 3.5.2.F.

Finished floor elevation. See 2.6.10.B.

DEFINED TERMS

Floor area. The horizontal areas of enclosed building space on all floors of a building measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways and elevator shafts. The following are 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 of it, but not including utility areas within individual dwelling units.
5. Areas for common special purpose use by occupants, including laundry, 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.

Food and beverage. See 3.3.4.D.

Food and beverage, general. See 3.3.4.D.1.

G

General indoor recreation. See 3.3.4.C.1.

General outdoor recreation. See 3.3.4.C.2.

General indoor entertainment. See 3.3.4.C.3.

General outdoor entertainment. See 3.3.4.C.4.

Golf course. See 3.3.4.C.5.

Grade, average. See 2.6.8.A.4.b.

Grade, existing. The elevation of the natural or legally established ground surface on a site as it existed immediately prior to the commencement of grading, excavation, filling, construction, or other land-disturbing activity associated with a proposed development.

Grade, finished. The final elevation of the ground surface adjacent to a building or structure after all grading and site improvements have been completed.

Greenhouse. See 3.3.4.B.1.

Ground floor. The story of a building located closest to the level of the adjacent street.

Ground story height. See 2.6.10.A.

Group living. See 3.3.2.B.

Group living, general. See 3.3.2.B.1.

H

Height, building. See 2.6.8.A.

Height, clear. The unobstructed vertical distance measured from the finished floor to the lowest point of the structural ceiling, roof framing, mechanical equipment, ductwork, lighting fixtures, sprinkler piping, or any other permanent overhead obstruction.

Home-based business. See 3.5.2.H.

Home occupation. See 3.5.2.G.

Hospital. See 3.3.4.F.2.

Household. One or more persons living together within a dwelling unit. A household may include any number of persons under 18 years of age and not more than 5 persons who are 18 years of age or older, regardless of whether they are related or unrelated. People living together as a household also include:

1. No more than 8 individuals with mental illness, intellectual disability, or developmental disabilities, with one or more resident or nonresident staff members, occupying a single dwelling unit or other residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority pursuant to the Code of Virginia. Mental illness and developmental disability must not include current illegal use of or addiction to a controlled substance as defined in *Code of Virginia*, § 54.1-3401;
2. No more than 8 aged, infirm or disabled people, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the Department of Social Services of the Commonwealth is the licensing authority pursuant to the Code of Virginia;
3. No more than 8 handicapped people, as defined by the Federal Fair Housing Act, occupying a single dwelling unit. In addition, there may be one or more resident counselors or other staff members.
4. The term “household” does include a group living or special needs housing.

Household living. See 3.3.2.A.

I

Indoor growing system. See 3.3.4.B.2.

Industrial. See 3.3.5.A.

Industrial, high impact. See 3.3.5.A.2.

Industrial, low impact. See 3.3.5.A.1.

In-kind. A replacement with the same material type, design, dimension, texture, detailing and exterior appearance.

DEFINED TERMS

Interstate highway. Any road within the National System of Interstate and Defense Highways described within 23 USC 103(e).

J

K

Kitchen. A room or portion of a room containing facilities that are used for cooking and preparation of meals.

L

Live-work. See 3.3.2.A.7.

Lodging. See 3.3.4.E.

Lodging, general. See 3.3.4.E.1.

Lot. Lot means a parcel of land occupied or intended for occupancy by buildings or uses permitted by this Zoning Code and including such area, yards and other open spaces as are required in this Zoning Code. A lot may consist of a single lot of record or a combination of contiguous lots of record.

Lot, corner. A lot located at the intersection of two or more streets or a lot bounded entirely by streets. A lot on a curved street is considered a corner lot if straight lines drawn from the intersections of the side lot lines meet at an interior angle of 135 degrees or less.

Lot line. A line bounding a lot that divides one lot from another lot, or from a street, or any other public or private space.

Lot line, alley. See 2.6.1.C.4.

Lot line, common. See 2.6.1.C.8.

Lot line, primary street. See 2.6.1.C.2.

Lot line, rear. See 2.6.1.C.5.

Lot line, side. See 2.6.1.C.6.

Lot line, side attached. See 2.6.1.C.6.a.

Lot line, side detached. See 2.6.1.C.6.b.

Lot line, side street. See 2.6.1.C.3.

Lot line, street. See 2.6.1.C.7.

Lot, interior. A lot having only one street frontage.

Lot of record. 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.

Lot, through. A lot other than a corner lot having more than one street frontage.

Lot width. See 2.6.2.C.

M

Maintenance and repair. See 2.1.3.G.

Manufactured Home. A transportable, factory-built dwelling designed for use as a single-unit dwelling, built on a permanent chassis, and constructed on or after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280), as amended. A manufactured home may be installed on a permanent or temporary foundation and includes plumbing, heating, air conditioning, and electrical systems. A manufactured home does not include a modular home or other factory-built dwelling constructed in accordance with the locally adopted building code.

Marine terminal. See 3.3.5.B.2.

Medical. See 3.3.4.F.

Medical, general. See 3.3.4.F.1.

Medical laboratory. See 3.3.4.F.3.

Microbrewery. See 3.3.4.D.2.

Microwave relay facility. 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.

Microwave relay facility support structure. 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.

Mobile Home. A transportable, factory-built dwelling designed for use as a single-unit dwelling, built on a permanent chassis, and constructed before June 15, 1976, the effective date of the Federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280). A mobile home may be used with or without a permanent foundation. Definition does not include a manufactured home.

Mobile Home Park. See 3.3.2.A.6.

Multi-unit. See 3.3.2.A.5.

DEFINED TERMS

N

New construction. See 2.1.3.A.

Nonconforming feature. A feature of a use, other than the use itself, or a feature of a building, structure or site that was legally established but no longer complies with the standards of the underlying zoning district - see 6.3.2.

Nonconforming sign. Signs that were legally established but no longer comply with the standards of the underlying zoning district - see 4.6.9.

Nonconforming use. Uses that were legally established but no longer comply with the standards of the underlying zoning district - see 6.3.1.

Nursery (Agriculture). See 3.3.4.B.1.

O

Occupiable space. Any area designated and intended for human occupancy with a minimum clear height of 7.5 feet.

Office. See 3.3.4.G.

Office, general. See 3.3.4.G.1.

Open space, private. See 3.3.3.D.2.

Open space, public. See 3.3.3.D.2.

Outdoor amenity space. See 2.6.4.C.

Outdoor amenity space, common. See 2.6.4.C.3.b.

Outdoor amenity space, pedestrian. See 2.6.4.C.3.c.

Outdoor dining. See 3.5.2.I.

Outdoor display. See 3.5.2.J.

Outdoor storage. See 3.5.2.L.

P

Parking, structured. See 3.3.4.H.2.

Parking, surface. See 3.3.4.H.1.

Parks and open space. See 3.3.3.D.

Party wall. 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.

Passenger terminal. See 3.3.5.B.3.

Personal loan and financial services. See 3.3.4.J.2.

Permanent supportive housing. See 3.3.2.C.2.

Personal service. See 3.3.4.I.

Personal service, general. See 3.3.4.I.1.

Portable storage unit. See 3.6.4.

Primary street. See 2.6.1.B.

Public realm. The space around and between buildings that is publicly accessible, including streets, paths and trails, open space and parks, squares and plazas, and any public and civic buildings and facilities.

Q

R

Radio and television broadcast antenna. 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.

Railroad right-of-way. See 3.3.5.B.4.

Recycling center, minor. See 3.3.5.D.2.

Religious assembly. See 3.3.3.A.2.

Renovation. See 2.1.3.F.

Resource extraction. See 3.3.5.A.4.

Retail. See 3.3.4.J.

Retail, general. See 3.3.4.J.1.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, sanitary or storm sewer, electric transmission line, oil or gas pipeline, or for any other similar use as may be designated.

Roadway. The portion of the street improved, designed, or used for vehicular travel and includes multimodal facilities such as bicycle lanes.

S

Self-service storage. See 3.3.5.C.3.

Senior care. See 3.3.2.B.3.

DEFINED TERMS

Setback, alley. See 2.6.5.D.

Setbacks, building. See 2.6.5.

Setback, primary street. See 2.6.5.D.

Setback, rear. See 2.6.5.D.

Setback, side. See 2.6.5.D.

Setback, side attached. See 2.6.5.D.

Setback, side detached. See 2.6.5.D.

Setback, side street. See 2.6.5.D.

Short-term rental. See 3.5.1.N.

Short-term rental operator. The owner, lessee, sublessee, mortgagee in possession, licensee, or person in any other possessory capacity of a dwelling unit used as a short-term rental.

Short-term renter. Any person who contracts with a short-term rental operator to occupy a short-term rental in exchange for a charge for such occupancy, and any companions or guests of such person.

Side street. See 2.6.1.B.

Sign. See 4.6.2.A.

Sign, animated. 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 6 revolutions per minute or any sign which flashes or changes its message not more than once every 5 seconds or any flag or banner which is entirely dependent upon wind for movement is be considered an animated sign for the purposes of this Zoning Code.

Sign, awning. See 4.6.4.C.

Sign, bracket. See 4.6.4.J.

Sign, building. Awning sign, canopy sign, projecting sign, roof sign, suspended sign, or wall sign.

Sign, canopy. See 4.6.4.D.

Sign, freestanding. Bracket sign, monument sign or pylon sign.

Sign, minor. See 4.6.6.A.

Sign, movable. See 4.6.6.C

Sign, off-premises. 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.

Sign, pennant. 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.

Sign, projecting. See 4.6.4.F.

Sign, pylon. See 4.6.4.L.

Sign, roof. See 4.6.4.G.

Sign, suspended. See 4.6.4.H.

Sign, temporary. See 4.6.6.B.

Sign, vehicle or trailer. 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 used 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.

Sign, wall. See 4.6.4.I.

Sign, window. 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.

Single-unit attached. See 3.3.2.A.2.

Single-unit detached. See 3.3.2.A.1.

Site modification. See 2.1.3.C.

Site plan. A proposal for a development of real property to assure compliance with the requirements of *Chapters 25 and 30 of the City Code*, and other duly adopted statutes, ordinances, regulations, and policies that may apply to the development as shown in the proposal, by description of the use, location, and bulk of buildings; density of development; common open space; any public facilities; any covenants, grants, easements, and other conditions required by law; and any other information as required by this division. When "site plan" is not preceded by the words preliminary or final, then references apply to both. Officially submitted site plan means a site plan that has been submitted as part of a complete site plan application.

Solar energy, small-scale. See 3.5.2.0.

Special needs housing. See 3.3.2.C.

Story. The part of a building included between the finished floor of one floor and the finished floor of the next floor above, or if there is no floor above, then the bottom of structure for the roof above.

Story, ground. See 2.6.9.A.4.c.iv.

Story, upper. Any story of a building located above the ground story.

Street. A public or private way that is publicly accessible and provides a primary means of access to abutting properties.

Street, primary. See 2.6.1.B.

Street, side. See 2.6.1.B.

Street-facing building facade. See 2.6.1.E.

Street-facing entry. See 2.6.12.A.

DEFINED TERMS

Streetscape. The portion of the street between the roadway and the street lot line, consisting of a greenscape zone and clear walk zone.

Structural alteration. 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.

Structure. 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.

Sublot. See 2.6.2.B.

T

Temporary use. See 3.6.

Tiny home. A small, relocatable, structure for shelter, whether on foundations or on chassis, no larger than 400 square feet and in conformance with International Residential Code AQ101 through AQ105.

Tobacco store. See 3.3.4.J.3.

Trade school. See 3.3.3.C.2.

Transit stop. See 3.3.5.B.1.

Transitional housing. See 3.3.2.C.3.

Transitions. See 4.4.1.

Transparency, ground story. See 2.6.11.

Transparency, upper story. See 2.6.11.

Transportation. See 3.3.5.B.

Tree canopy. See 4.5.1.

Truck and freight transfer terminal. See 3.3.5.C.4.

Two unit attached. See 3.3.2.A.4.

Two unit detached. See 3.3.2.A.3.

U

Unenclosed. A building or structure that is not closed in any way by glass, opaque panel, or any other material, and has no enclosed features higher than 42 inches above grade except the roof, roof supports, and railings.

Unified statewide building code (USBC). The effective version of the Virginia Statewide Building Code and associated building regulations.

University. See 3.3.3.C.3.

Urban garden. See 3.3.4.B.3.

Use, accessory. See accessory use.

Use, temporary. See Sec. 3.6.

Utility. See 3.3.3.E.

Utility, major. See 3.3.3.E.2.

Utility, minor. See 3.3.3.E.1.

V

Vape store. See 3.3.4.J.3.

Vegetative space. See 2.6.4.B.

Vehicular use area. See 4.3.4.

Vehicle fueling station. See 3.3.4.K.4.

Vehicle repair. See 3.3.4.K.3.

Vehicle sales and service. See 3.3.4.K.

Vehicle sales or rental. See 3.3.4.K.1.

Vehicle service. See 3.3.4.K.2.

Vehicle storage yard. See 3.3.5.C.5.

W

Warehouse and distribution. See 3.3.5.C.

Warehouse and distribution, general. See 3.3.5.C.1.

Waste-related. See 3.3.5.D.

Waste-related, general. See 3.3.5.D.1.

Width, blank wall. See 2.6.12.B.

Width, building. See 2.6.9.B.

Wind energy, small-scale. See 3.5.2.P.

Winery, small. See 3.3.4.D.3.

Wireless communications facility. See 3.7.

DEFINED TERMS

X

Y

Yard. Front yard, rear yard, side yard, or side street yard.

Yard, front. See 2.6.1.D.2.

Yard, rear. See 2.6.1.D.4.

Yard, side. See 2.6.1.D.5.

Yard, street side. See 2.6.1.D.3.

Z
