

# Short-Term Rentals (STR) Draft Regulations

Summary of Survey Responses  
July 31, 2019

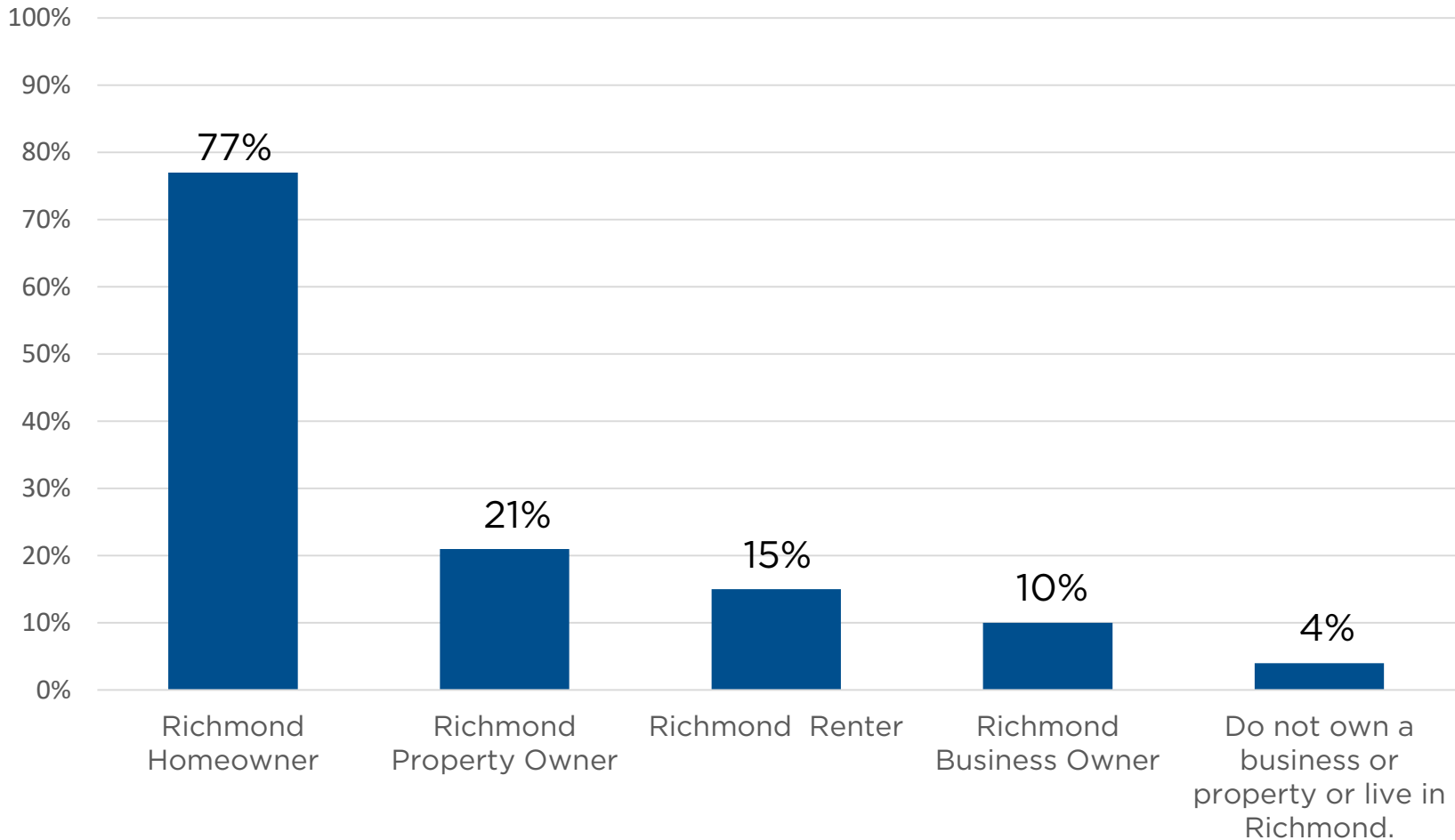


# Short-Term Rental Survey Details

- **1,206** responses received
- The survey asked participants' opinions on the conditions included in the draft zoning ordinance
- Available online and on paper from 3/26/19 until 5/31/19
- Promoted and distributed through:
  - Council District Meetings in all Council Districts
  - Two Short-Term Rental Informational Meetings held by PDR
  - [Press release](#) on 4/15/19
  - Email to all civic association presidents
  - Email to the Richmond 300 email list
  - [STR Webpage](#)
  - News Articles ([Bizsense](#), [WTRV](#))

# Survey Responses | Participant Information

Question 1: Please select the options that best describes you. (Select all that apply)

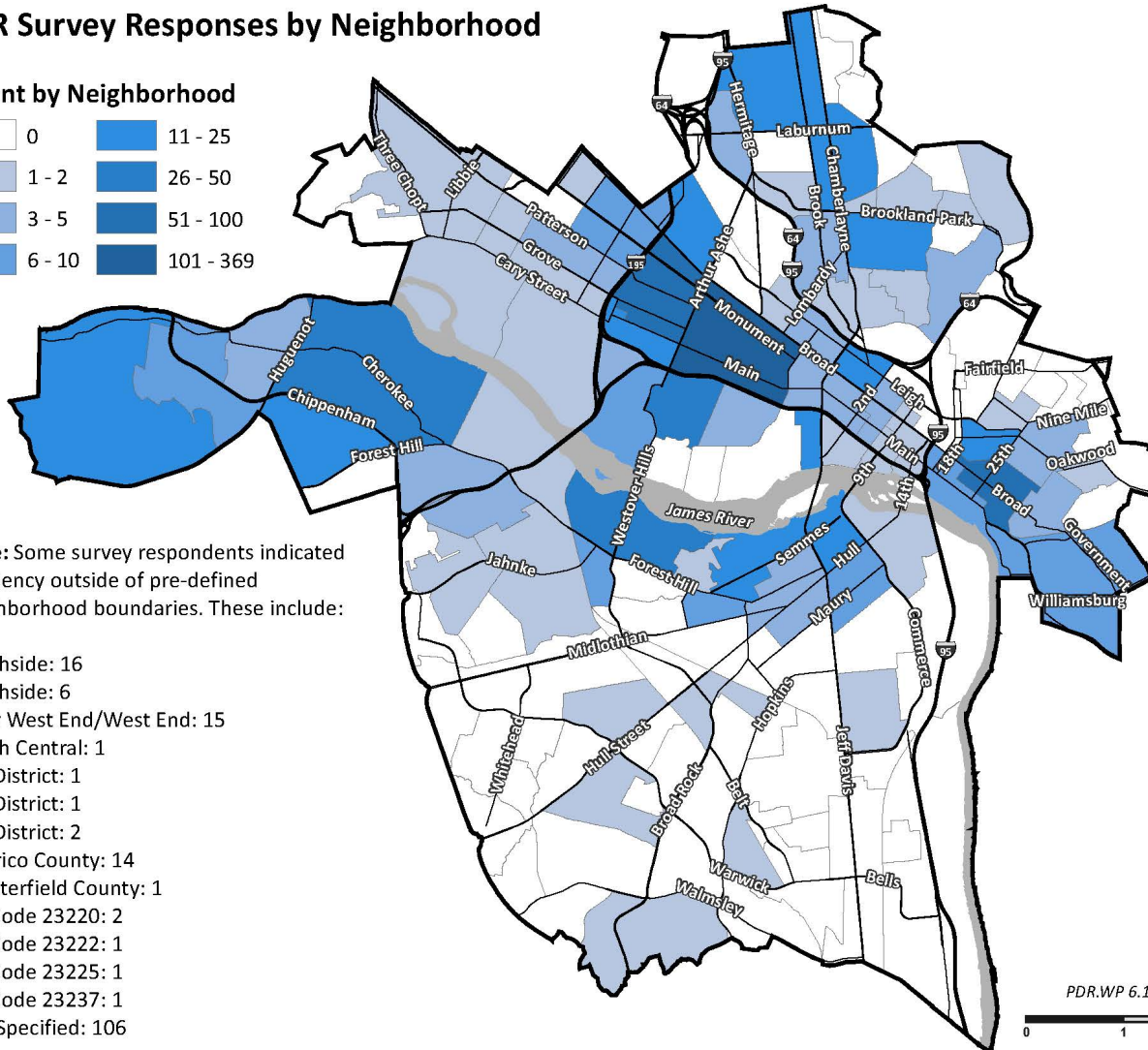
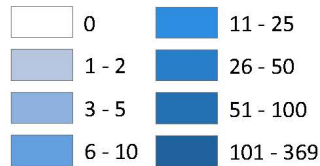


# Survey Responses | Participant Location

Question 2: If you live in the City of Richmond, in which neighborhood do you live?

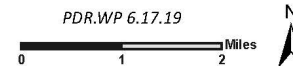
## STR Survey Responses by Neighborhood

### Count by Neighborhood



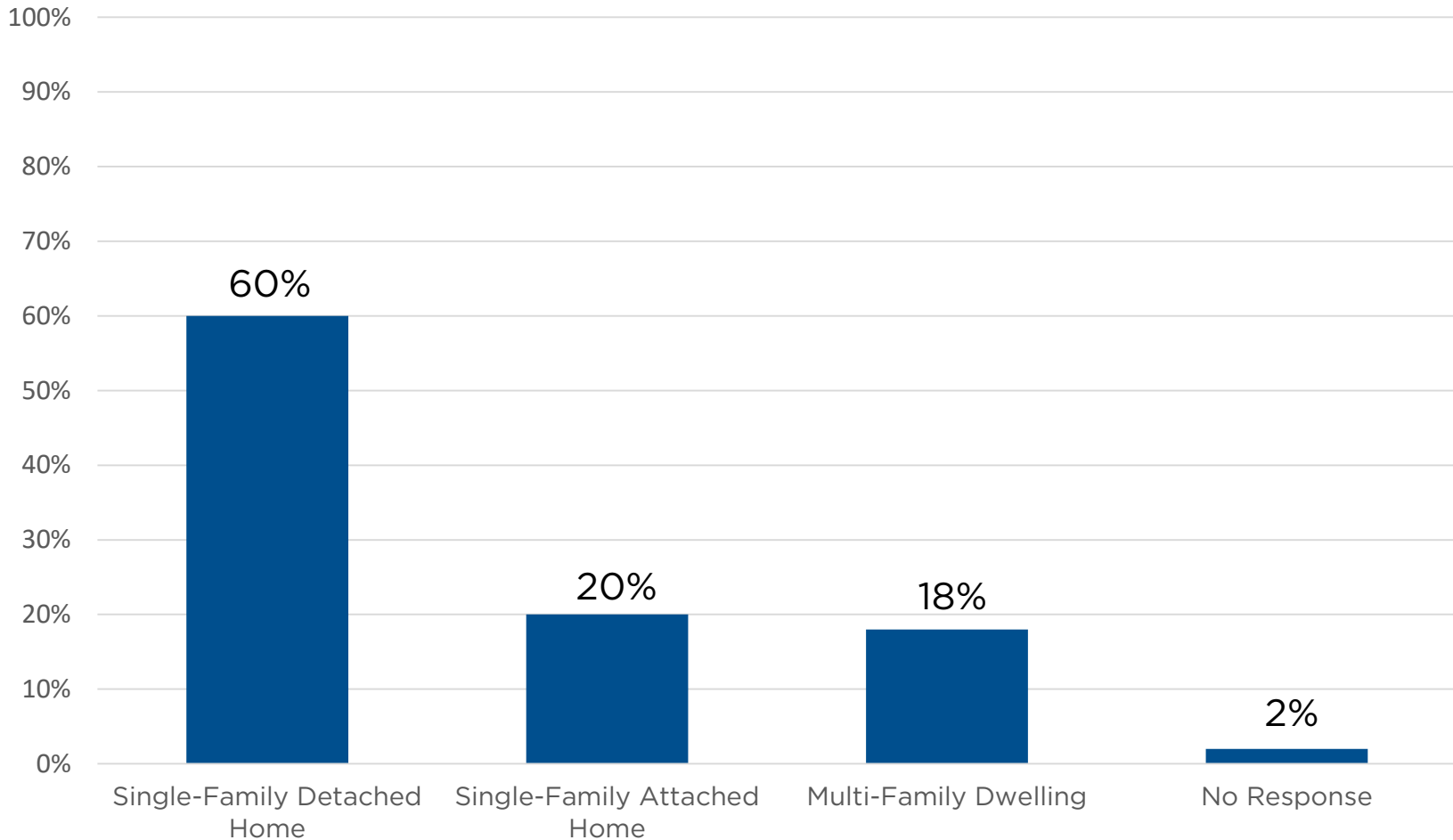
**Note:** Some survey respondents indicated residency outside of pre-defined neighborhood boundaries. These include:

- Northside: 16
- Southside: 6
- Near West End/West End: 15
- North Central: 1
- 4th District: 1
- 6th District: 1
- 9th District: 2
- Henrico County: 14
- Chesterfield County: 1
- Zip Code 23220: 2
- Zip Code 23222: 1
- Zip Code 23225: 1
- Zip Code 23237: 1
- Not Specified: 106



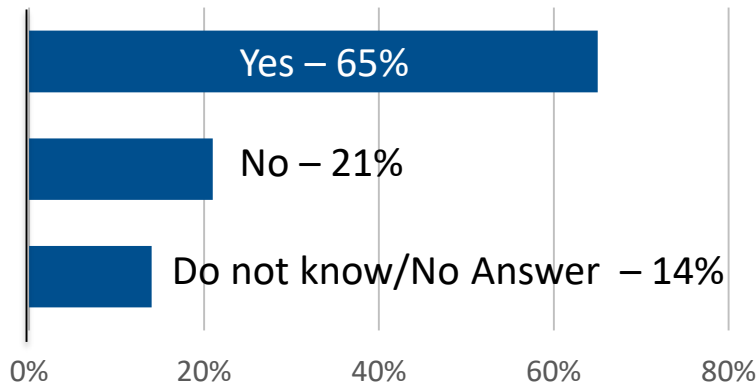
# Survey Responses | Participant Dwelling Type

Question 3: In what type of home do you live?

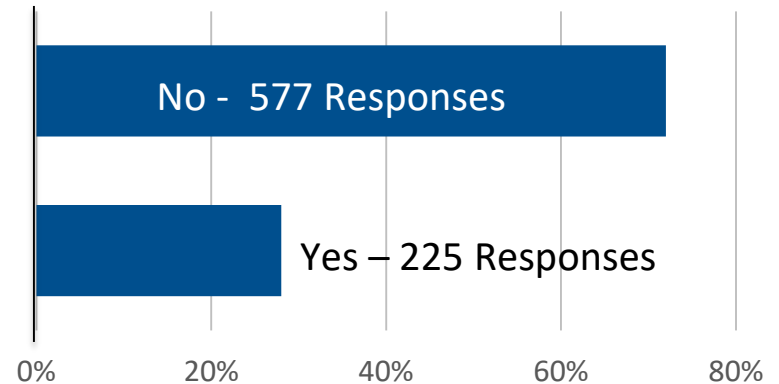


# Survey Responses | Participant Dwelling Type

Question 4: Are you aware of short-term rentals operating in your neighborhood?



Question 5: If yes, do you have any concerns with these STRs?

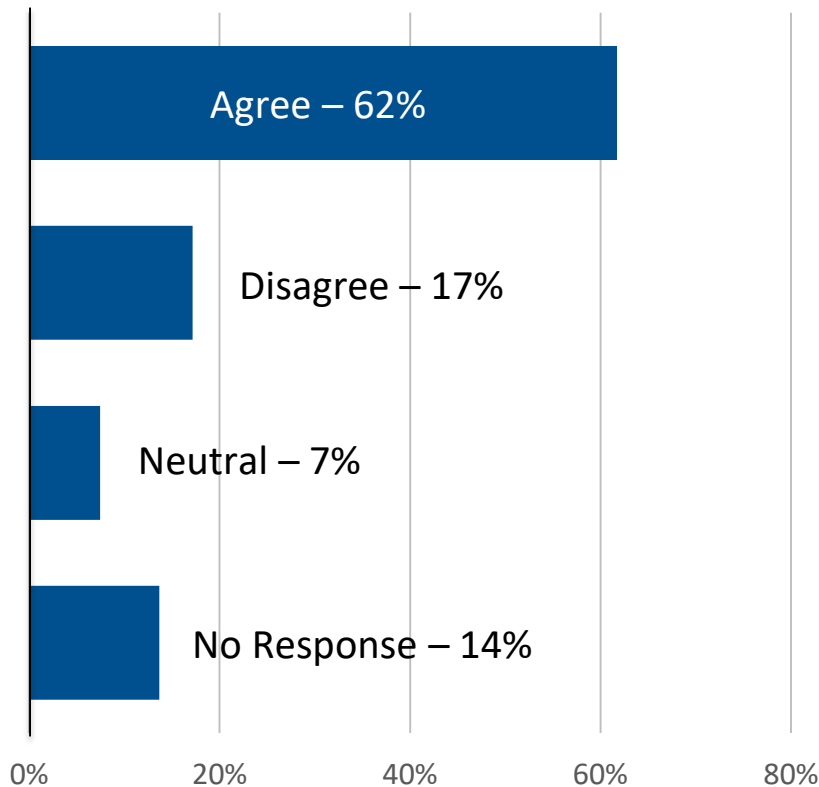


## Open-ended Comments:

- **Benefits of STRs:** Better maintained and operated than long term rentals, Good for the economy by increasing tourism, Makes housing affordable for operators, Provides lodging for visiting friends and family in parts of the City where options are limited
- **Concerns about STRS:** Impact on housing availability and affordability, Change of residential neighborhood character with commercial uses and transient occupants, Increased noise, trash, and out of control parties, Less available parking, Absentee landlords who do not respond to concerns of neighbors

# Survey Responses | Where can an STR operate

**Question 6: STRs should be permitted as an accessory use in any zoning district that permits residential uses.**

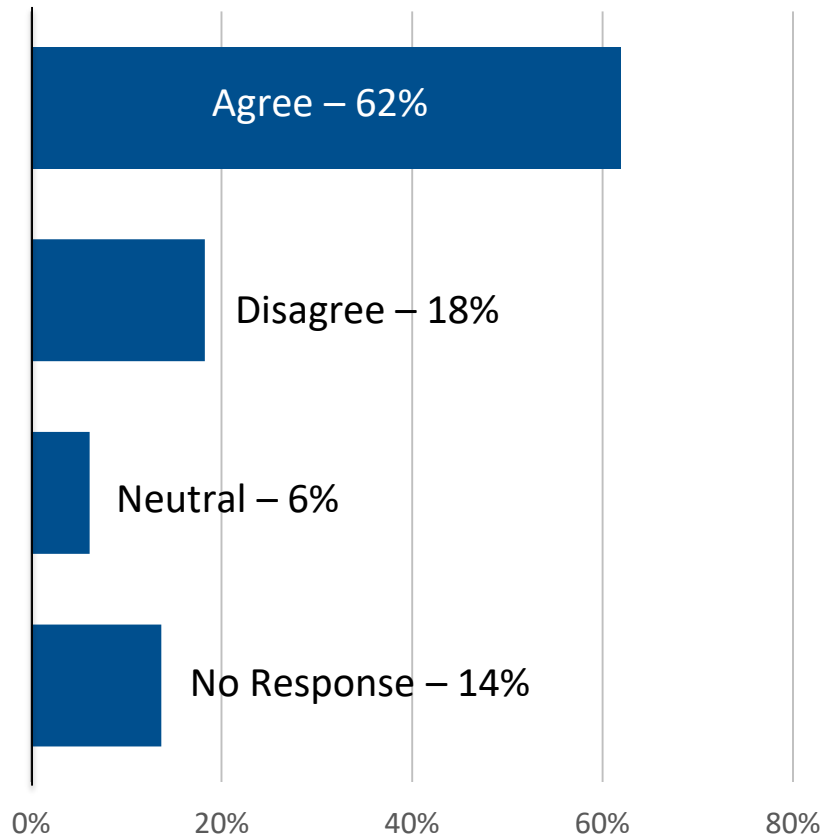


The participants who responded **disagree** noted:

- STRs should not be permitted anywhere (91 responses)
- There needs to be additional conditions and processes for STRs including neighborhood input on each STR approval and limiting the number of STRs (35 responses)
- The regulations should be different in different neighborhoods including not allowing STRs to operate in all neighborhoods/zones (24 responses)
- There should be no restrictions on STRs, and STRs should be permitted as a primary use (15 responses)

# Survey Responses | Where can an STR operate

**Question 7: STRs should be permitted in all types of dwellings (single-family homes, condos, apts., etc.) including accessory dwelling units.**



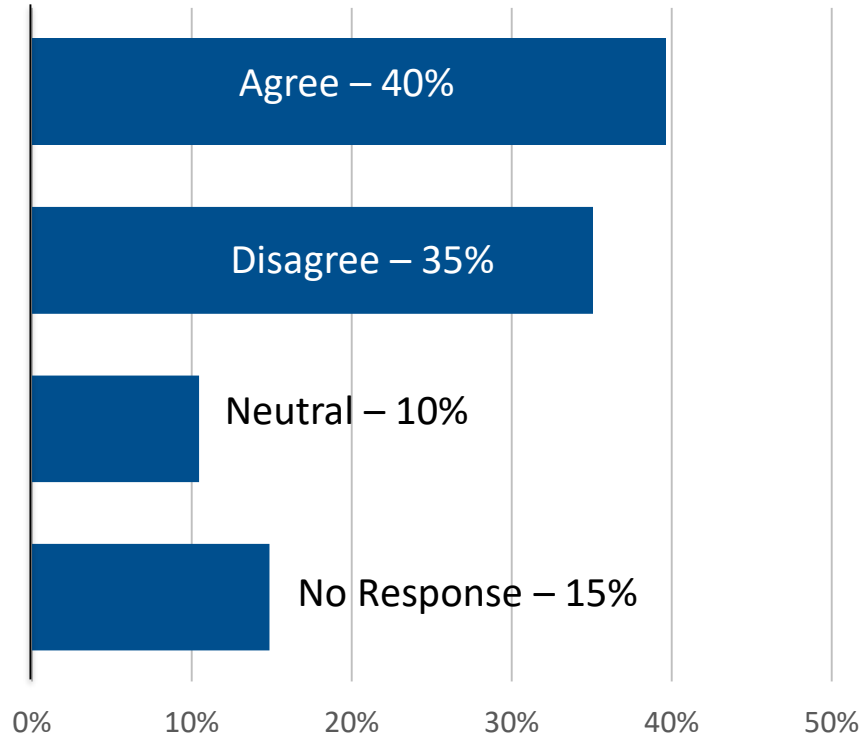
The participants who responded **disagree** noted:

- STRs should not be permitted in any dwelling type (64 responses)
- STRs should not be permitted in multifamily dwellings. (45 responses)
- There needs to be additional conditions including not allowing STRs in attached dwellings and not allowing tenants as operators (37 responses)
- STRs should not be permitted in single-family dwellings (19 responses)
- There should be no restrictions (6 responses)
- STRs should not be permitted in accessory dwelling units (4 responses)



# Survey Responses | Who can operate an STR

**Question 8: Both property owners and tenants of a residential unit qualify to operate STRs. For tenants, property owner approval is required; and for condos and co-ops, board approval is required. The STR must be the primary residence of the operator. Primary residence is established by occupying the dwelling unit for a minimum of 185 days out of the calendar year.**

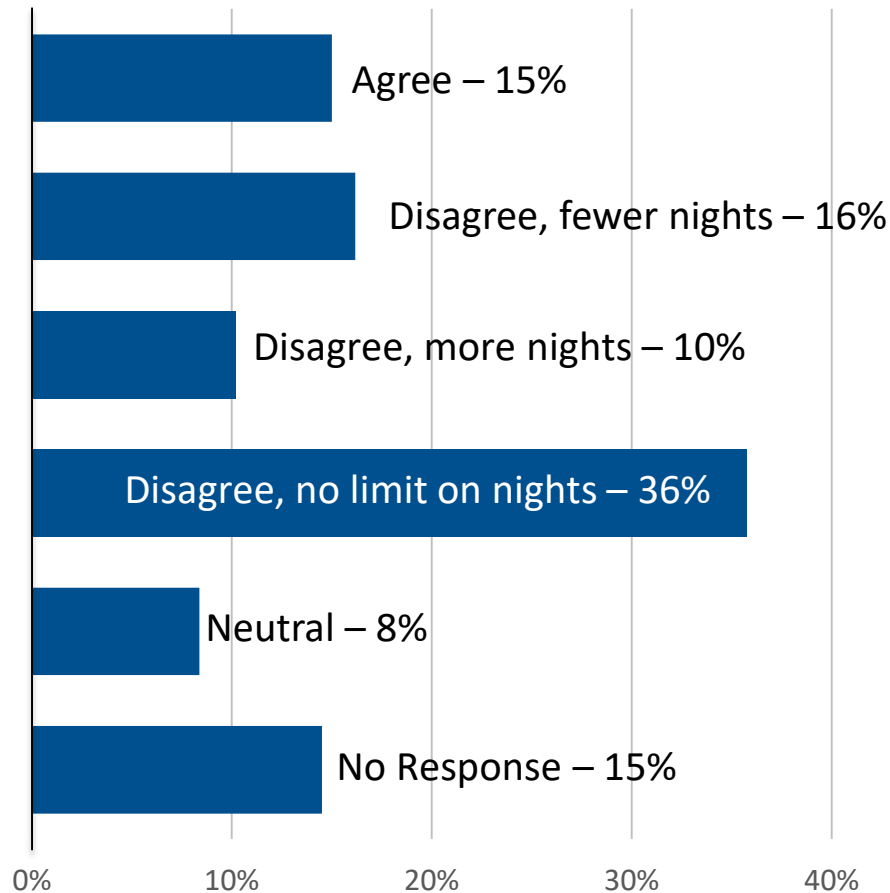


The participants who responded **disagree** noted:

- Primary residency should not be required (230 responses).
- Tenants should not be allowed to operate STRs (49 responses)
- STRs should not be permitted (25 responses)
- STRs should not be permitted in single-family dwellings (19 responses)
- Additional days should be required to establish primary residency (15 responses)
- These conditions are unenforceable (15 responses)
- There needs to be additional conditions (9 responses)
- Landlord approval should not be required for tenant operators (8 responses)

# Survey Responses | Number of Nights of Operation

**Question 9: A dwelling unit can operate as a short-term rental for a maximum of 180 nights in a year.**



The participants who responded **disagree, fewer nights should be permitted** noted

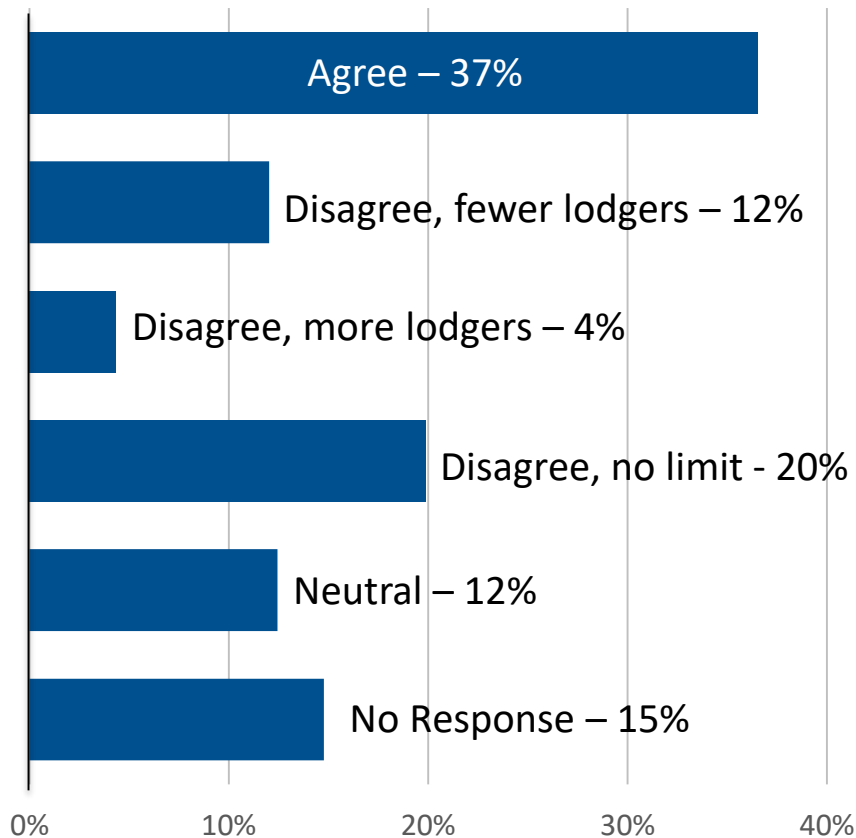
- STRs should not be permitted at all (40 responses)
- Varying numbers of nights from 14 to 150 should be permitted (36 responses)
- STRs will change the character of residential neighborhoods if they are permitted to operate half of the year/every weekend (9 responses)

The participants who responded **disagree, more or unlimited nights should be permitted** noted

- The 180 night limit is arbitrary (73 responses)
- Property owners have the right to use their property as they wish, and the market will dictate the number of nights an STR will operate (36 responses)
- Will limit operators ability to earn income (29 responses)
- Will negatively impact tourism and reduce city tax revenue (29 responses)
- Impossible to enforce (10 responses)
- Regulations should focus on safety and compliance with maintenance and nuisance regulations and not limiting nights of operation (10 responses)
- Not concerned with the number of nights as long as the property is the operator's primary residence (9 responses)

# Survey Responses| Number of Lodgers

**Question 10: The number of adult lodgers is limited to 2 per sleeping room. The number of sleeping rooms available for an STR is limited to 5 sleeping rooms. There is no limit on the number of children that can be associated with the adult lodgers.**



The participants who responded **disagree, fewer nights should be permitted** noted

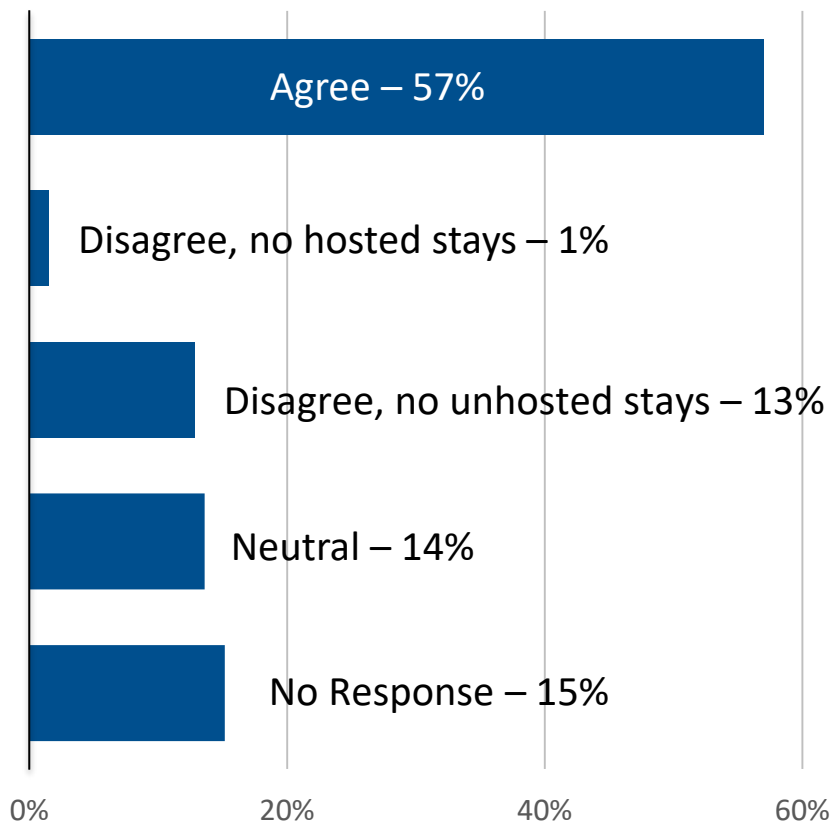
- Permitting this many adults and unlimited children would create too much noise, impact parking, and result in out of control parties (34 responses)
- STRs should not be permitted at all (22 responses)
- Varying numbers of lodgers from one family as defined by zoning to 8 adults should be permitted (11 responses)
- The number of children should be limited (10 responses)

The participants who responded **disagree, more lodgers or no limit other than Building Code** noted

- This regulation is arbitrary, and this should be the operator's decision (49 response)
- Regulations should be based on room size/building code requirements (21 responses)
- Sleeping can occur in other rooms (pull-out couches, sofas), and rooms can accommodate more beds (multiple bunk beds) (20 responses)
- More sleeping rooms should be permitted (8 responses)
- This should be regulated like hotels which allow 4 or more lodgers per sleeping room (6 responses)

# Survey Responses| Hosted and Unhosted Stays

**Question 11: Both whole house and room rentals are permitted as the operator is not required to occupy the unit during the stay. The operator must provide contact information with a phone number accessible 24-hours per day to the City.**



The participants who responded **disagree, hosted stays should not be permitted** noted

- STRs should not be permitted at all
- These STRs should be regulated like a bed and breakfast.

The participants who responded **disagree, unhosted stays should not be permitted** noted

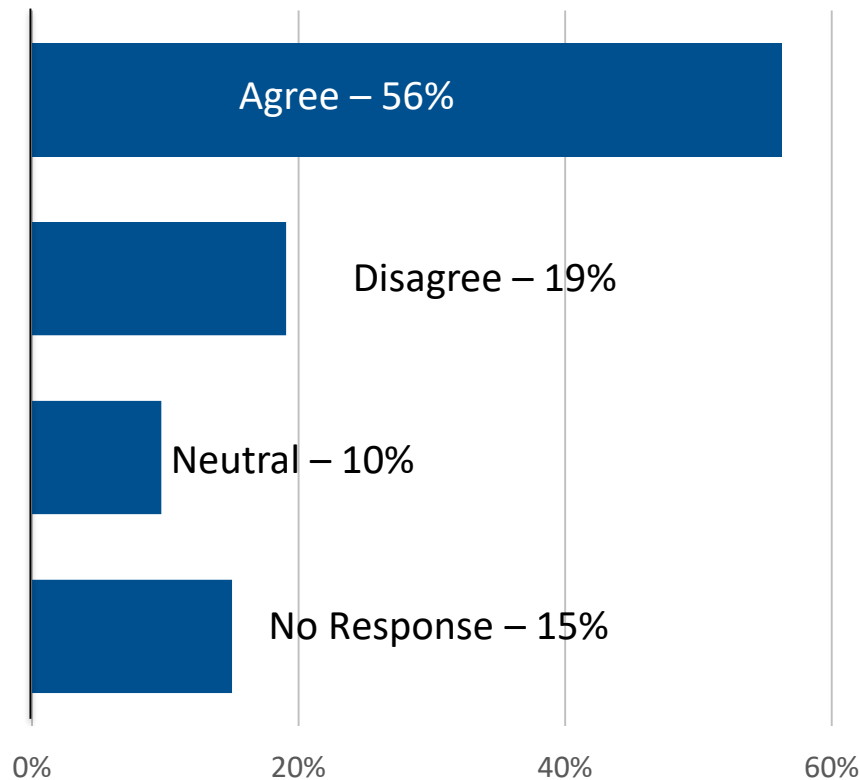
- Onsite hosts can address problems and ensure renters are respectful (32 responses)
- STRs should not be permitted at all (20 responses)
- There should be more regulations for unhosted stays (8 responses)
- Operators contact information should be provided to neighbors (5 responses)

The participants who responded **neutral** noted

- A phone number accessible 24-hours per day should not be required to be provided to the City. (20 responses)

# Survey Responses| Parking Requirements

**Question 12: No additional parking is required for the short-term rental use.**

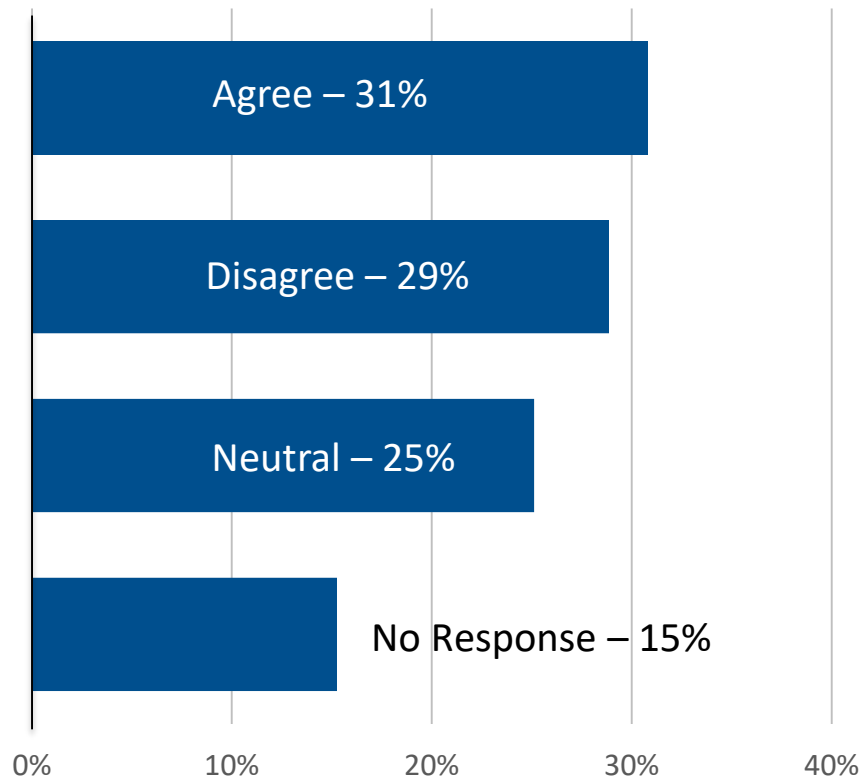


The participants who responded **disagree** noted

- STRs will exacerbate existing parking issues especially in the Fan (71 responses)
- STRs should be required to provide onsite parking (52 responses)
- There should be different parking requirements in the parking permit areas (20 responses)
- STRs should not be permitted at all (12 responses)
- Onsite parking should be provided based on number of bedrooms or number of lodgers (13 responses)
- Parking requirements should be determined on a case-by-case basis (11 responses)
- Limit the number of vehicles permitted at an STR (5 responses)

# Survey Responses | Multi-family Buildings

**Question 13: For any dwelling use in multi-family and mixed-use zones, a maximum of nine dwelling units, or twenty five percent (25%) of the total number of dwelling units, whichever is less, may be used as a short-term rental.**

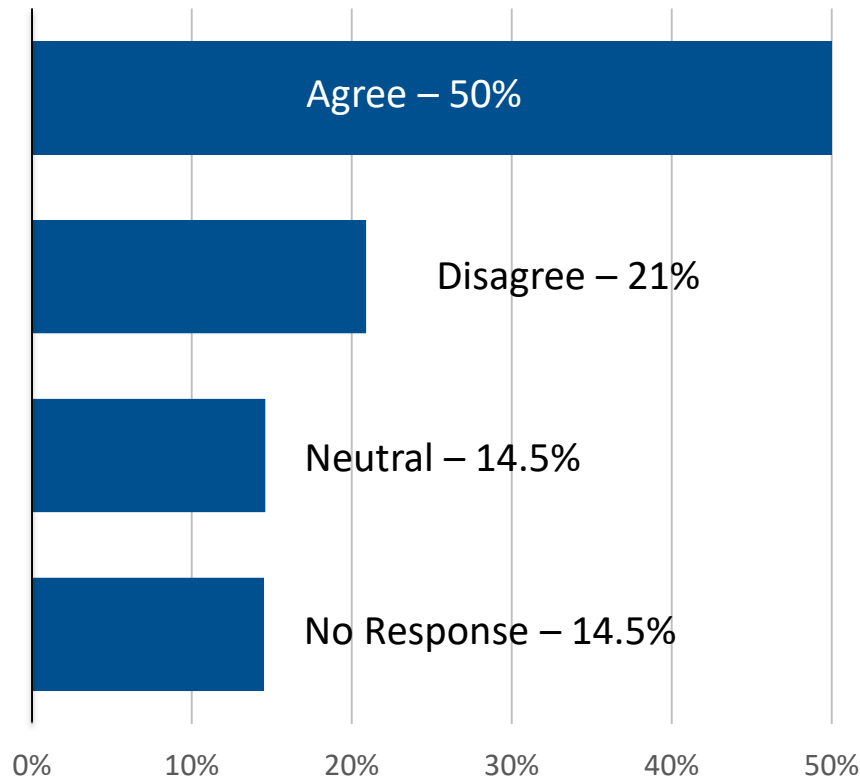


The participants who responded **disagree** noted

- There should be no limit (80 responses)
- Fewer units should be permitted (43 responses)
- STRs should not be permitted at all (36 responses)
- The limit is unfair/How will the City determine which units can operate as STRs and enforce this? (31 responses)
- The limit is arbitrary (23 responses)
- This limit should not apply to smaller apartment buildings (under 4 units) (14 responses)
- More units should be permitted (13 responses)
- Allowing multifamily units to be STRs would negatively impact housing availability (9 responses)

# Survey Responses | Events

**Question 14: Events such as parties, banquets, weddings, meetings, and any other gathering of persons other than the authorized lodgers are prohibited from occurring at an STR.**



The participants who responded **disagree** noted

- The property owner has the right to decide what events can occur (64 responses)
- Events should be allowed on a case-by-case basis based on characteristics of the STR (size, parking, zone) and the scale of the event (30 responses)
- Existing laws will address concerns (noise, capacity) (21 responses)
- This is too restrictive, and some events with limited impact on neighbors should be allowed (business meetings, baby showers, small weddings, family gatherings, etc.) (18 responses)
- Require a separate event permit (8 responses)
- This regulation is an arbitrary restriction (6 responses)

# Collection and Remittance of Local Taxes

## Transient Lodging Tax:

- Operators in **multi-family properties and single-family properties of 4 or more bedrooms** will be required to remit the City's **8% transient occupancy tax** for the rental

## Fees and Taxes that Do Not Apply:

- Business license
- Business personal property taxes related to the rental activity

**The survey did not ask about this, but at all the public meetings both STR operators and other residents commented that all STRs should be required to remit the 8% transient occupancy tax. Many suggested the platforms should collect this for the City.**



# More Information

To review the raw data from the survey please visit:

<http://www.richmondgov.com/PlanningAndDevelopmentReview/ShortTermRentals.aspx>

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## R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

### Sec. 30-402.1. Permitted principal uses.

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

- (1) Single-family detached dwellings;
- (2) Libraries, museums, schools, parks and recreational facilities owned or operated by any governmental agency, and other uses required for the performance of governmental functions and primarily intended to serve residents of adjoining neighborhoods, provided that a plan of development shall be required as set forth in article X of this chapter for any such use that is not subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter;
- (3) Churches and other places of worship, which may include the serving of food as a charitable or fellowship use within the church or place of worship, provided that a plan of development shall be required as set forth in article X of this chapter for any church or other place of worship;
- (4) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises;
- (5) Public and private noncommercial forests, wildlife preserves and conservation areas;
- (6) Private noncommercial parks, recreational facilities, country clubs, swimming pools, athletic fields, community center buildings and uses incidental thereto, operated by associations or organizations not organized for profit, the exclusive use of which is limited to members of such associations or organizations and their guests, provided that the following conditions are met:
  - a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan, except that this provision shall not apply to premises exclusively serving the residents of an adjoining neighborhood;
  - b. Portions of the premises devoted to outdoor activities shall be effectively screened from view from abutting properties in R and RO districts by evergreen vegetative or structural screens not less than six feet in height;
  - c. No building shall be located within 50 feet of an adjoining lot in an R and RO district;
  - d. Swimming pools and adjoining deck areas shall be completely enclosed with a fence or wall not less than four feet in height, and no swimming pool or adjoining deck area shall be located within 50 feet of an adjoining lot in an R or RO district;
  - e. A plan of development shall be required as set forth in article X of this chapter.

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

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

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

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

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

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

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

(2) Home occupations;

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

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

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

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

(4) Parking areas;

(5) **Short-term rental, subject to the requirements of Article VI, Division 14; Reserved** [~~NOTE: Accessory lodging units removed.~~] (No. 2012-74-84, § 1, 6-11-2012)

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

(7) Temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of construction. In the case of public improvements construction taking place within a public right-of-way, such construction related activities shall be permitted on property abutting the

construction site when approved by the Director of public works and when operated and maintained in accordance with standards established by said Director;

(8) Raising or keeping of domestic animals for noncommercial purposes on lots occupied by single-family dwellings, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of such animals shall be located not less than 200 feet from all property lines. The restrictions set forth in this subsection shall not apply to the keeping of dogs, cats or other household pets or to the keeping of not more than four female chickens in residential districts. In addition, with regard to the keeping of not more than four female chickens, (i) no fenced area, pen or structure for the keeping of such chickens shall be located closer than 15 feet to any dwelling on an adjacent lot, (ii) no fenced area or pen for the keeping of such chickens shall be located within any required front yard or street side yard and (iii) no structure for the keeping of such chickens shall be located within any required yard (see Chapter 10 of this Code); (Ord. No. 2013-47-47, § 1, 4-8-2013)

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

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

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

## **R-5A SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 30-411.1. Intent of district.**

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

### **Sec. 30-411.2. Permitted principal uses.**

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.
- (2) Two-family detached dwellings.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:
  - a. The single-family dwelling shall not contain any accessory lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. The lot shall meet the lot area requirement for a two-family dwelling;
  - d. One off-street parking space shall be provided for the additional dwelling unit; and
  - e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(3) Short-term rental located within an accessory building permitted by Sec. 30-411.3(2) of this Chapter.

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## R-6 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT

Sec. 30-412.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family detached dwellings;
- (4) Two-family attached dwellings lawfully existing prior to the effective date of this section.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:
  - a. The single-family dwelling shall not contain any accessory lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. The lot shall meet the lot area requirement for a two-family dwelling;
  - d. One off-street parking space shall be provided for the additional dwelling unit; and
  - e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(3) Short-term rental located within an accessory building permitted by Sec. 30-412.2(2) of this Chapter.

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## R-7 SINGLE- AND TWO-FAMILY URBAN RESIDENTIAL DISTRICT

### **Sec. 30-413.1. Intent of district.**

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

### **Sec. 30-413.2. Permitted principal uses.**

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on the effective date of the ordinance;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family detached dwellings;
- (4) Two-family attached dwellings lawfully existing prior to the effective date of this section.

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

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

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

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

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

(3) Short-term rental located within an accessory building permitted by Sec. 30-413.3(2) of this Chapter.

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## R-8 URBAN RESIDENTIAL DISTRICT

### Sec. 30-413.10. Intent of district.

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

### Sec. 30-413.11. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.
- (2) Single-family attached dwellings, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments.
  - b. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on the effective date of the ordinance creating the R-8 district. [NOTE: Adopted R-8 on: 2-22-2010]
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with more than eight newly constructed single-family attached dwellings.
- (3) Two-family detached dwellings.
- (4) Two-family attached dwellings, provided that not more than three two-family dwellings shall be attached laterally in a series.

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

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

- (1) Multifamily dwellings, not to exceed four dwelling units, located on lots of not less than 1,500 square feet in area for each dwelling unit.
- (2) Live/work units, provided that:
  - a. Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.
  - b. Space devoted to the nondwelling activity within such unit shall not exceed 40 percent of the total floor area of the unit.
  - c. The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.
  - d. There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use and/or storage of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.
- (3) The following nondwelling uses occupying the ground floor of existing buildings, provided that the building devoted to any such use was, prior to (May 19, 1943), originally constructed for or converted to commercial use, and provided further that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such use:
  - a. Art galleries, including custom framing in conjunction therewith.
  - b. Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.
  - c. Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.
  - d. Laundromats and laundry and dry cleaning pick-up stations.
  - e. Offices, including business, professional and administrative offices, and studios of writers, designers and artists engaged in the arts.
  - f. Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building.

g. Video rental stores.

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

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

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

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

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

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

(3) Short-term rental located within an accessory building permitted by Sec. 30-413.13(2) of this Chapter.

## R-43 MULTIFAMILY RESIDENTIAL DISTRICT

### Sec. 30-414.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family detached dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (6) Adult day care facilities.

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

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

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

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

(3) Short-term rental located within an accessory building permitted by Sec. 30-414.2(2) of this Chapter.

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## R-48 MULTIFAMILY RESIDENTIAL DISTRICT

### Sec. 30-416.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (6) Adult day care facilities.

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

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



- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guests shall not exceed one for each 50 dwelling units within the development.
- (3) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:
  - a. The main building shall not contain any lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
  - d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;
  - e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
  - f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

(4) Short-term rental located within an accessory building permitted by Sec. 30-416.2(3) of this Chapter.

## R-53 MULTIFAMILY RESIDENTIAL DISTRICT

### Sec. 30-418.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (6) Tourist homes situated on federal highways;
- (7) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (8) Adult day care facilities.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:
  - a. The main building shall not contain any lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
  - d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;
  - e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
  - f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.
- (4) Short-term rental located within an accessory building permitted by Sec. 30-418.2(3) of this Chapter.

## **R-63 MULTIFAMILY URBAN RESIDENTIAL DISTRICT**

### **Sec. 30-419.1. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the R-63 district is to encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood. The district is intended to be applied within or in close proximity to areas of the city that reflect an urban scale of development and afford convenient access to major employment centers and community facilities, and to encompass undeveloped or underdeveloped properties comprising areas large enough and with sufficient residential density to enable establishment of a cohesive neighborhood. The district regulations permit corner commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood. The district regulations are also intended to promote a streetscape that is urban in character by requiring minimal building setbacks uninterrupted by parking areas along principal street frontages, and to enhance public safety and encourage an active pedestrian environment appropriate to the residential character of the district by providing for windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking, safe vehicular and pedestrian circulation, and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

### **Sec. 30-419.2. Permitted principal uses.**

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments.
  - b. Architectural variations shall be provided among units within any series of more than four units.
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings.
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter.

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

(5) Dwelling units located in the same building as permitted principal uses on corner lots listed in section 30-419.3(a), provided that such dwelling units shall be subject to all of the requirements of this district applicable to multifamily dwellings.

(6) Live/work units, provided that:

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

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

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

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

(7) Day nurseries, provided that:

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

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

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

(8) Tourist homes situated on federal highways.

(9) Adult day care facilities.

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

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

- (1) Art galleries, including custom framing in conjunction therewith.
- (2) Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.
- (3) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.
- (4) Laundromats and laundry and dry cleaning pick-up stations.
- (5) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:
  - a. No such outside area shall be open to patrons between the hours of 11:00 p.m. and 7:00 a.m.
  - b. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in an R district other than the R-63 district.
  - c. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.
  - d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.
  - e. Such outside areas shall be included in calculation of the total floor area devoted to the use.
- (6) Video rental stores.

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

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

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

(3) Such uses shall occupy the portion of the building located at the street corner. Along the principal street frontage of the lot, such uses shall extend no greater distance from the street corner than the equivalent of 15 percent of the total length of the block along such frontage.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Parking decks, provided that:

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

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

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

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

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

(7) Short-term rental located within an accessory building permitted by Sec. 30-419.4(3) of this Chapter.



## R-73 MULTIFAMILY RESIDENTIAL DISTRICT

### Sec. 30-420.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;
- (6) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (7) Tourist homes situated on federal highways;

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

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

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

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

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

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

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

(12) Adult day care facilities.

(13) Short-term rental, subject to the requirements of Article VI, Division 14.

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

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

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

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

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

- a. There shall be no advertising signs, displays, show windows or automated teller machines visible from the exterior of the building.
- b. There shall be no direct public entrance to such uses from the exterior of the building.
- c. The aggregate floor area devoted to such uses shall not exceed five percent of the total floor area of the building in which they are located.

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

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

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

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

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## **R-MH MOBILE HOME DISTRICT**

### **Sec. 30-422.1. Permitted principal uses.**

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1, subject to all requirements applicable to such uses in the R-6 district as set forth in division 7 of this article;
- (2) Manufactured home subdivisions on sites of not less than eight acres in area subject to all requirements applicable to single-family detached dwellings in the R-6 district as set forth in division 7 of this article;
- (3) Manufactured home parks on sites of not less than eight acres in area, provided that a plan of development shall be required as set forth in article X of this chapter.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2;
- (2) Uses and structures accessory to manufactured home subdivisions, manufactured home parks and individual manufactured home units, including awnings, porches, carports, parking areas, service buildings, rental management offices, maintenance and storage buildings, recreational facilities, community buildings and other uses for the convenience of residents.

## RO-1 RESIDENTIAL-OFFICE DISTRICT

### Sec. 30-424.1. Permitted principal uses.

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

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1, subject to plan of development requirements applicable in such district;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such development;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family detached dwellings, provided that a plan of development shall not be required when no more than one main building is to be located on a lot;
- (4) Multifamily dwellings, provided that a plan of development shall not be required when no more than one main building and no more than ten dwelling units are to be located on a lot;
- (5) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;

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

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

(8) Funeral homes, provided that:

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

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

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

(10) Adult day care facilities.

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

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

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

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

## RO-2 RESIDENTIAL-OFFICE DISTRICT

### Sec. 30-426.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;
- (6) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (7) Tourist homes situated on federal highways;



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

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

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

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

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

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

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

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

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

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

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

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

(13) Funeral homes, provided that:

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

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

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

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

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

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

(17) Adult day care facilities.

(18) Short-term rental, subject to the requirements of Article VI, Division 14.

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

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

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

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

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

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

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

## RO-3 RESIDENTIAL-OFFICE DISTRICT

### Sec. 30-428.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;
- (6) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (7) Tourist homes situated on federal highways;

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

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

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

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

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

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

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

(12) Lodges and similar meeting places;

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

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

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

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

(14) Funeral homes, provided that:

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

- b. A plan of development shall be required as set forth in article X of this chapter;
- (15) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (16) Radio broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed ten feet above ground level, or in the case of a building mounted antenna, ten feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (17) Communications centers and telephone repeater stations operated by public service corporations, provided that a plan of development shall be required as set forth in article X of this chapter;
- (18) Hotels and motels, provided that:
- a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. A plan of development shall be required as set forth in article X of this chapter;
- (19) Adult day care facilities.
- (20) Short-term rental, subject to the requirements of Article VI, Division 14.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) Restaurant facilities, automated teller machines and shops for the sale of gifts, flowers, drugs and similar items for the convenience of patients and visitors may be located within hospital buildings, provided that there shall be no signs, displays, show windows or automated teller machines visible from the exterior of the building nor shall there be any direct public entrance to such uses from the exterior of the building.

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

- a. There shall be no advertising signs, displays, show windows or automated teller machines visible from the exterior of the building.
- b. There shall be no direct public entrance to such uses from the exterior of the building.
- c. The aggregate floor area devoted to such uses shall not exceed five percent of the total floor area of the building in which they are located.

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## HO HOTEL-OFFICE DISTRICT

### Sec. 30-430.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (6) Tourist homes situated on federal highways;
- (7) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;



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

- a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
- b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
- c. A plan of development shall be required as set forth in article X of this chapter;

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

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

(11) Lodges and similar meeting places;

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

- a. No such use shall be located on a transitional site;
- b. The floor area of the building devoted to such use shall not exceed 2,500 square feet, and not more than two drive-up teller lanes shall be provided on the premises;
- c. A plan of development shall be required as set forth in article X of this chapter;

(13) Funeral homes, provided that:

- a. Adequate space shall be provided on the premises for the formation of funeral processions, and no such activity shall take place on public streets;
- b. A plan of development shall be required as set forth in article X of this chapter;

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

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

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

(17) Hotels and motels, provided that:

- a. No such use shall be located on a transitional site;
- b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
- c. A plan of development shall be required as set forth in article X of this chapter;

(18) Adult day care facilities.

(19) Short-term rental, subject to the requirements of Article VI, Division 14.

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

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

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

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

## I INSTITUTIONAL DISTRICT

### Sec. 30-432.1. Permitted principal uses.

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

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

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

(2) Day nurseries, provided that:

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

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

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

- (5) Libraries, museums and similar uses operated by public or nonprofit agencies;
- (6) Hospitals, public health clinics, adult care residences, group homes, adult day care facilities and nursing homes;
- (7) Philanthropic, charitable and eleemosynary institutions, including social service delivery uses operated by such institutions;
- (8) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;
- (9) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (10) Parking decks serving uses permitted in this district, provided that:
- a. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way;
  - b. Parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
- (11) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, utility storage yards and similar uses;
- (12) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

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

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

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units, provided there shall be no signs or other evidence of an automated teller machine visible from the exterior of the building.

## UB URBAN BUSINESS DISTRICT

### **Sec. 30-433.1. Intent of district.**

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

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

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

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

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan

of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

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

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

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

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

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

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

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

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

(8) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress (see section 30-800.1 for provisions for nonconforming dwelling uses);

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

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

(11) Libraries, museums, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(12) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(13) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(14) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(15) Parking decks and parking garages, provided that:

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

b. Except as provided in paragraph (a) of this subsection (15), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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



- d. A plan of development shall be required as set forth in article X of this chapter;
- (16) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;
- (17) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;
- (18) Postal and package mailing services, but not including package distribution centers;
- (19) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;
- (20) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site
- (21) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:
- a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;
  - b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

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

(22) Retail stores and shops;

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

(24) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(25) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(26) Shopping centers containing uses permitted in this district;

(27) Tourist homes;

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

**(28.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(29) Accessory uses and structures, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

## **UB-2 URBAN BUSINESS DISTRICT**

### **Sec. 30-433.10. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the UB-2 urban business district is to encourage business areas with mixed uses and a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to be more intensive and more mixed use in character than the UB urban business district. It is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas, and to promote continuity of building setbacks and heights and to encourage an active pedestrian environment by providing for windows in building facades along principal street frontages. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

### **Sec. 30-433.11. Permitted principal and accessory uses.**

The uses of buildings and premises listed in this section shall be permitted in the UB-2 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

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

- (1) Adult day care facilities;
- (2) Art galleries;

- (3) Banks, savings and loan offices and similar financial services, including accessory ATM's accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any ATM accessible from the exterior of a building;
- (4) Catering businesses;
- (5) Day nurseries licensed by and subject to the requirements of the state department of social services;
- (6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight;
- (7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other permitted principal uses, and such uses shall have a depth of not less than 20 feet along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses);
- (8) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (9) Hotels, provided that:
- a. No such use shall be located on a transitional site.
  - b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.
  - c. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (2), (3), (8), (16), (22) or (23) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (10) Laundromats and dry cleaning pick up stations;

(11) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(11.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(12) Office supply, business and office service, photocopy and custom printing establishments;

(13) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts;

(14) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(15) Parking decks and parking garages, provided that:

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

b. Except as provided in paragraph (a) of this subsection (15), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.

c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other

access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way.

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

(16) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(17) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(18) Postal and package mailing services, but not including distribution centers;

(19) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

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

(21) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(22) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward

this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

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

(23) Retail stores and shops;

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

(25) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(26) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced;

(27) Shopping centers containing uses permitted in this district;

(28) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

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

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

(31) Accessory uses and structures, including short-term rental, subject to the requirements of Article VI, Division 14 and ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

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## B-1 NEIGHBORHOOD BUSINESS DISTRICT

### Sec. 30-434.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-1 district, provided that: drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district; no newly constructed building shall contain more than 10,000 square feet of floor area; and the distribution of products or the conduct of services off the premises shall not involve the use of more than two delivery vehicles nor any vehicle having an empty weight exceeding 6,500 pounds:

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;
- (4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;
- (5) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight, and provided further that no such use shall be located on a transitional site;
- (7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of

one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

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

(9) Laundromats and laundry and dry cleaning pick-up stations, provided that such uses shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

(10) Libraries, museums, schools, parks and recreational facilities owned or operated by a governmental agency, and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(12) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

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

(14) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

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

(16) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including

establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building;

(17) Retail stores and shops, provided that not more than 30 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

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

(19) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(20) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

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

(22) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including **short-term rental, subject to the requirements of Article VI, Division 14 and** automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units, provided that outdoor accessory uses such as displays, temporary sales areas, play equipment and similar activities shall not be permitted, nor shall any pay phone or vending machine be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph.

## B-2 COMMUNITY BUSINESS DISTRICT

### Sec. 30-436.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-2 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Art galleries;

(3) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

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

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

(6) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(7) Communications centers and telephone repeater stations operated by public service corporations;

(8) Contractors' shops, offices and display rooms, provided that the following conditions are met:

- a. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;
- b. There shall be no outside storage of equipment, materials or supplies;
- c. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use.

(9) Custom printing and engraving shops not involving the printing of periodicals, books, catalogs or similar items requiring frequent shipment or delivery of large quantities of materials, provided that not more than five persons shall be employed in the conduct of such business;

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

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

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

- (13) Funeral homes;
- (14) Furniture repair and upholstery shops, provided that the total floor area of work rooms shall not exceed 2,000 square feet;
- (15) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (16) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;
- (17) Hotels and motels, provided that:
- a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (18) Janitorial and custodial service and supply establishments occupying not more than 2,000 square feet of floor area and not involving the use of delivery or service vehicles having an empty weight exceeding 6,500 pounds;
- (19) Laundromats and laundry and dry cleaning pick-up stations;
- (20) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;
- (21) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:
- a. No such use shall be located on a transitional site;
  - b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
  - c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (21.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date

of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(22) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(23) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

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

(25) Parking decks, provided that:

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

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

c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

(26) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores,

watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(27) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(28) Postal and package mailing services, but not including package distribution centers;

(29) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(30) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

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

(32) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(33) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

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



case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

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

(34) Retail stores and shops, provided that not more than 50 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

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

(36) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(37) Self-service auto washing facilities, either automatic with a single vehicle capacity or hand operated with not more than four washing stalls, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

d. Such use shall not be operated between the hours of 11:00 p.m. and 7:00 a.m.;

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

(38) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced except within a completely enclosed soundproof building, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(39) Service stations, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

(40) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(41) Tourist homes;

(42) Wholesale and distribution establishments with not more than 5,000 square feet of floor area devoted to storage of goods, provided that distribution of products shall not involve the use of delivery vehicles having an empty weight exceeding 6,500 pounds;

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

**(43.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(44) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units. Outdoor accessory uses such as temporary sales and display areas, play equipment, pay phones, vending machines and similar uses shall not be located within 15 feet of any street line or within any required side yard adjacent to an R or RO district or within required parking spaces, except that temporary sales and display areas not

involving any structures may be located within required front yards. Not more than two vending machines shall be located outside of a completely enclosed building. Newspaper boxes shall not be subject to the limitations of this paragraph.

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## B-3 GENERAL BUSINESS DISTRICT

### Sec. 30-438.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-3 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

(5) Auto, truck, motorcycle, boat, trailer, recreational vehicle, manufactured home and construction equipment sales, rental, service, storage and general repair, and body repair and painting, convertible top and seat cover repair and installation; provided that:

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

b. All facilities involving general repair, body repair and painting and convertible top and seat cover repair and installation shall be located within completely enclosed buildings;

c. No dismantled or junked vehicle unfit for operation on the streets shall be parked or stored outside of an enclosed building;

d. All outdoor areas devoted to storage or display shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13(1) and (2) of this chapter;

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

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

(7) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, provided that:

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

b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.

(8) Catering businesses;

(9) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(10) Communications centers and telephone repeater stations operated by public service corporations;

(11) Contractors' shops, offices and display rooms;

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

(13) Drive-in theaters, provided that:

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

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

c. Theater screens shall be located so as not to face any street or public area;

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

(14) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

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

(16) Funeral homes;

(17) Furniture repair and upholstery shops;

(18) Greenhouses and plant nurseries;

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

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

(21) Hotels and motels, provided that:

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

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

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

(22) Janitorial and custodial service and supply establishments;

(23) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

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

(25) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(26) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks;

(27) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;



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

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

(29) Office supply, business and office service, photocopy and custom printing establishments;

(30) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

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

(32) Parking decks, provided that:

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

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

c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

(33) Personal loan and financial services;

(34) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(35) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(36) Postal and package mailing services;

(37) Printing, publishing and engraving establishments;

(38) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(39) Professional, business and vocational schools;

(40) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, and provided that no passenger terminal shall be located on a transitional site;

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

(42) Recreation and entertainment uses, including theaters, museums, amusement centers, bowling alleys, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(43) Recreation uses, outdoor, including golf courses, par three and miniature golf courses, driving ranges, putting greens, temporary carnivals and similar amusement facilities, but not including shooting ranges; provided that:

- a. No such use shall be permitted on a transitional site;
- b. Such use shall be so located, designed and operated that noise from equipment, machinery or loudspeaker systems is not audible from nearby properties in R or RO districts;
- c. A plan of development shall be required as set forth in article X of this chapter.

(44) Repair businesses conducted within completely enclosed buildings;

(45) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

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

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

(46) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(47) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(48) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(49) Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;

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

(50) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(51) Service stations; provided that:

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

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

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

(52) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(53) Tire recapping and vulcanizing shops, provided that no such use shall be located on a transitional site;

(54) Tourist homes;

(55) Travel trailer parks and campgrounds, provided that no such use shall be located on a transitional site, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(56) Truck and freight transfer terminals, provided that:

- a. No such use shall be located on a transitional site;
- b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;
- c. All outdoor areas devoted to truck or trailer storage or parking shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13 (1) and (2) of this chapter;
- d. A plan of development shall be required as set forth in article X of this chapter.

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

(58) Wholesale, warehouse and distribution establishments with not more than 20,000 square feet of floor area devoted to storage of goods;

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

**(59.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(60) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

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## B-4 CENTRAL BUSINESS DISTRICT

### Sec. 30-440.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-4 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or addition to any existing building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto rental establishments;

(5) Banks, savings and loan offices and similar financial services, including drive-up facilities in conjunction therewith and accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in



article X of this chapter for any such use with drive-up facilities or an automated teller machine accessible from the exterior of a building;

(6) Catering businesses;

(7) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(8) Communications centers and telephone repeater stations operated by public service corporations;

(9) Contractors' shops, offices and display rooms;

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

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(12) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units; (Ord. No. 2011-205-2012-1, 1-9-2012)

(13) Funeral homes;

(14) Furniture repair and upholstery shops;

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

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

(17) Hotels, provided that:

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

b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (3), (5), (15), (29), (39) or (40) of this section; provided that not more than 50 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use, except entrances or lobbies existing at the effective date of this provision that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

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

(18) Janitorial and custodial service and supply establishments;

(19) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

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

(21) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(22) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

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

(24) Office supply, business and office service, photocopy and custom printing establishments;

(25) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

*[NOTE: Parking areas and parking lots were removed as a principal use by Ord. No. 2017-219 on February 27, 2017.]*

(26) Parking decks and parking garages, provided that:

a. No portion of the ground floor of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. Upper stories of such structure may be used for parking or related circulation of vehicles subject to the fenestration requirements set forth in section 30-440.7(2);

b. Except as provided in paragraph (a) of this subsection (27), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way; (Ord. No. 2017-019, 2-27-2017)

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

(27) Personal loan and financial services;

(28) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(29) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(30) Postal and package mailing services, but not including package distribution centers;

(31) Printing, publishing and engraving establishments employing not more than 20 persons on the premises;

(32) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(33) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(34) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, provided that no passenger terminal shall be located on a transitional site;

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

(36) Recreation and entertainment uses, including theaters, museums, amusement centers, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(37) Repair businesses conducted within completely enclosed buildings;

(38) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

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

case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

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

(39) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(40) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(41) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(42) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(43) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(44) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(45) Social service delivery uses, provided that:

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

b. No property devoted to such use shall be situated within 500 feet of property occupied by another social service delivery use or an adult care residence, group home, lodginghouse or shelter;

c. A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The Director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of Directors, mission statement, and any by laws;
2. Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;
3. Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;
4. Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;
5. Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements;

and names and telephone numbers of persons to contact in emergencies and any emergency procedures;

6. Annual operating budget, including sources of funding.

(46) Tourist homes;

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

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

**(48.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(49) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.



## . B-5 CENTRAL BUSINESS DISTRICT

### Sec. 30-442.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-5 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 50,000 square feet of floor area, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Art galleries;

(2) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(3) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(4) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units; (Ord. No. 2011-205-2012-1, 1-9-2012)

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

(6) Hotels, provided that:

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

b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (1), (2), (5), (13), (18) or (19) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use;

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

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

(8) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(9) Office supply, business and office service, photocopy and custom printing establishments;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

*[NOTE: Parking areas and parking lots were removed as a principal use by Ord. No. 2017-219 on February 27, 2017.]*

(11) Parking decks and parking garages, provided that:

- a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;
- b. Except as provided in paragraph (a) of this subsection (12), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;
- c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;
- d. A plan of development shall be required as set forth in article X of this chapter.

(12) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(13) Postal and package mailing services, but not including package distribution centers;

(14) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

(15) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(16) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(17) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

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

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

(18) Retail stores and shops;

(19) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots,

loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(20) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(21) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

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

**(22.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(23) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(a) Location of parking and circulation areas. Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(b) Driveways from streets. No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

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

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## **B-6 MIXED-USE BUSINESS DISTRICT**

### **Sec. 30-444.1. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of B-6 district is to encourage development of mixed land uses consistent with the objectives of the master plan and the downtown plan, and to promote enhancement of the character of development along principal corridors and in other areas. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of underutilized buildings or enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible, depending on the character and needs of particular areas. The district regulations are also intended to safeguard the character of adjoining properties, to maintain existing streetscape character by providing continuity of building setbacks and heights, to enhance public safety and encourage an active pedestrian environment appropriate to the mixed use character of the district by providing for windows in building facades along street frontages, and to promote an environment that is conducive to preservation of important historic, architectural and cultural features that may exist within the district. Finally, the district regulations are intended to assure adequate accessible parking and safe vehicular and pedestrian circulation, to facilitate a streetscape with minimum setbacks along principal street frontages and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

### **Sec. 30-444.2. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-6 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and where vehicular circulation, including

driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities.

(2) Art galleries.

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

(4) Catering businesses.

(5) Day nurseries licensed by and subject to the requirements of the state department of social services.

(6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight.

(7) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, as shown below, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units.

(8) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed buildings.



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

(10) Hotels, provided that:

- a. No such use shall be located on a transitional site.
- b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.
- c. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to uses specified in subsections (2), (3), (9), (17), (22), or (24) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. (Ord. No. 2011-205-2012-1, 1-9-2012)
- d. A plan of development shall be required as set forth in article X of this chapter.

(11) Laundromats and dry cleaning pick up stations.

(12) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization.

(13) Office supply, business and office service, photocopy and custom printing establishments.

(14) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

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

forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.

(16) Parking decks and parking garages, provided that:

- a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade.
- b. Except as provided in paragraph (a) of this subsection (16), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.
- c. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way.
- d. A plan of development shall be required as set forth in article X of this chapter.

(17) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.

(18) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

(19) Postal and package mailing services, but not including distribution centers.

(20) Professional, business and vocational schools when located above the ground floor of buildings, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

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

(22) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

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

case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

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

(23) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(24) Retail stores and shops.

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

(26) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced.

(27) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith.

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

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

(29.1) Short-term rental, subject to the requirements of Article VI, Division 14.

(30) Accessory uses and structures, including ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

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## **B-7 MIXED-USE BUSINESS DISTRICT**

### **Sec. 30-446.1 Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the B-7 district is to encourage a broad range of mixed land uses, including residential, commercial and compatible industrial and service uses. The district is intended to promote enhancement of the character of mixed use areas that are undergoing revitalization and adaptive reuse by providing for alternative economic use of existing structures, while enabling continuation of existing industrial and service uses. The district regulations are intended to encourage appropriate infill development on undeveloped land, promote adaptive reuse of vacant or underutilized buildings and enable redevelopment of properties where continuation of current uses or adaptive reuse is not feasible. The district regulations are also intended to safeguard the character of adjoining properties, to maintain the predominant existing streetscape character by providing continuity of building scale and setbacks, to enhance public safety and encourage an active pedestrian environment appropriate to the mixed-use character of the district by providing for windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking and safe vehicular and pedestrian circulation, to facilitate a streetscape with minimum setbacks along principal street frontages and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages.

### **Sec. 30-446.2. Permitted principal and accessory uses.**

The following uses of buildings and premises shall be permitted in the B-7 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district, except as specifically authorized by conditional use permit pursuant to section 30-446.3.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; construction of any new building of greater than 50,000 square feet of floor area; and construction of any new building or of any addition to an existing building, other than a single-family detached or two-family detached dwelling, when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage and where vehicular circulation, including

driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use, new building or addition that is subject to approval of a conditional use permit or subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities.

(2) Art galleries.

(3) Auto service centers, subject to the provisions of section 30-446.3 (7), and provided that:

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

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

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

(5) Breweries producing not more than 100,000 barrels of beer per year and distilleries producing not more than 250,000 cases of liquor per year, subject to the provisions of section 30-446.3 (7).

(6) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, subject to the provisions of section 30-446.3 (7), and provided that:

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

b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.

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

(7) Catering businesses.

(8) Communications centers and telephone repeater stations operated by public service corporations.

(9) Contractors' shops, offices and display rooms.

(10) Day nurseries licensed by and subject to the requirements of the state department of social services.

(11) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight.

(12) Dwelling units, other than a single-family detached, a single-family attached or a two-family dwelling, provided that when dwelling units are located within buildings located on lots having street frontage on Hull Street or Commerce Road, or street-oriented commercial frontage, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire Hull Street and Commerce Road frontages or along street-oriented commercial frontage, except for ingress and egress, provided that dwelling units shall not be located in any building devoted to a use that is prohibited on a transitional site. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units.

(Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-150, 9-25-2017)

(13) Entertainment, cultural and recreational uses, including theaters, museums, bowling alleys, amusement centers, and other commercial recreation facilities located within completely enclosed buildings.

(14) Funeral homes.



(15) Furniture repair and upholstery shops.

(16) Greenhouses and plant nurseries, subject to the provisions of section 30-446.3 (7).

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

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

(19) Hotels, provided that:

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

b. The ground floor of portions of buildings adjacent to principal street frontages or priority street frontages shall be devoted to those uses specified in subsections (2), (4), (17), (30), (37) or (39) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. (Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-150, 9-25-2017)

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

(20) Janitorial and custodial service and supply establishments.

(21) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises, subject to the provisions of section 30-446.3(7).

(22) Laundromats and dry cleaning pick up stations.

(23) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization.

(24) Manufacturing uses of under 15,000 square feet of area, as listed in Section 30-452.1(2)(a), but not allowing paragraph (13), Section 30-452.1(2)(c), Section 30-452.1(2)(d), or Section 30-452.1(2)(e)(34). A plan of development shall be required as set forth in article X of this chapter. (Ord. No. 2017-150, 9-25-2017)

(24.1) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks. (Ord. No. 2017-150, 9-25-2017)

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

(26) Office supply, business and office service, photocopy and custom printing establishments.

(27) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts.

(28) Parking areas and parking lots, subject to the provisions of section 30-446.3 (7), and provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required.

(29) Parking decks and parking garages, provided that:

- a. No portion of such structure located along a principal street frontage or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or

vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage or priority street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade.

- b. Except as provided in paragraph (a) of this subsection (29), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.
- c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way. (Ord. No. 2017-150, 9-25-2017)
- d. A plan of development shall be required as set forth in article X of this chapter.

(30) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments.

(31) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

(32) Postal and package mailing services, but not including distribution centers.

(33) Printing, publishing and engraving establishments.

(34) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

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

(36) Repair businesses conducted within completely enclosed buildings.

(37) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

- a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district.
- b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with "Fence and Wall Design Guidelines" adopted by resolution of the planning commission, as amended, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

(38) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(39) Retail stores and shops.

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

(41) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site.

(42) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building.

(43) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith.

(44) Tourist homes.

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

(46) Uses permitted in the M-1 and M-2 districts and not otherwise listed as permitted uses in this division, when such uses are lawfully existing on the effective date of the ordinance to include the property in the B-7 district, and:

(a) Such uses shall not be considered nonconforming uses, shall not be subject to the limitations on nonconforming uses set forth in article VIII of this chapter and, subject to the provisions of section 30-446.3 (6), may be extended, expanded or enlarged to occupy any portion of the property devoted to the use at the time of its inclusion in the B-7 district.

(b) Any such use may be changed to another use that is permitted by right or by conditional use permit in the B-7 district, or to a use that is first permitted in the same district as or a more restricted district than the district in which such use is first permitted, subject to the provisions of section 30-454.1(2).

(c) In the case of a building or portion thereof that is vacant on the effective date of the ordinance to include the property in the B-7 district, the last lawful use, subject to the provisions of sections 30-800.4 and 30-800.5, to occupy such building or portion thereof shall determine the applicability of this subsection.

(47) Wholesale, warehouse and distribution establishments with not more than 30,000 square feet of floor area devoted to storage of goods, subject to the provisions of section 30-446.3 (7), and provided that a plan of development shall be required as set forth in article X of this chapter.

(48) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, subject to the provisions of section 30-446.3 (7), and in accordance with the additional requirements of sections 30-692.1--30-692.6, provided that a plan of development shall be required as set forth in article X of this chapter.

**(48.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(49) Accessory uses and structures, including ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

## RF-1 RIVERFRONT DISTRICT

### Sec. 30-447.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the RF-1 riverfront district is to provide for modest scale planned mixed-use development on relatively large sites adjacent to the riverfront in a manner that will protect prominent views of the James River from public spaces and will encourage public and private use of and access to the riverfront. The district is intended to facilitate the economic development benefits which will accrue through enhanced commercial and residential development and increased tourism generated by riverfront redevelopment. Finally, the district regulations are intended to promote a concentration of uses that result in a high degree of pedestrian attraction and activity along the riverfront, while protecting the area at the shore of the river from building development.

### Sec. 30-447.2. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the RF-1 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required for construction of any new building of greater than 45 feet in height or any addition to an existing building when such addition exceeds 45 feet in height, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

#### (1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

- (3) Catering businesses employing not more than five persons on the premises;
- (4) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities or activities, whether indoors or outdoors; (Ord. No. 2010-20, § 1, 3-8-2010)
- (5) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;
- (6) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;
- (7) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;
- (8) Adult day care facilities;
- (9) Dry cleaning and laundering establishments employing not more than five persons on the premises;
- (10) Offices, including business, professional and administrative offices, medical and dental offices and clinics and studios of writers, designers, artists and others engaged in the arts;
- (11) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;
- (12) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;



(13) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(14) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(15) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than ten persons are employed on the premises in the conduct of any printing establishment;

(16) Hotels, provided that:

- a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.
- b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (1), (1.1), (2), (4), (5) or (12) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.
- c. A plan of development shall be required as set forth in article X of this chapter.

(17) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage as shown below, a minimum of one third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

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

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

(20) Parking decks and parking garages provided that:

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

b. Except as provided in paragraph (a) of this subsection (20), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

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

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

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

(23) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors;

**(24.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(25) Accessory buildings and uses customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

## RF-2 RIVERFRONT DISTRICT

### Sec. 30-447.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the RF-2 riverfront district is to provide for medium scale planned mixed-use development on relatively large sites in close proximity to the riverfront in a manner that will protect prominent views of the James River from public spaces and will encourage public and private use of and access to the riverfront. The district is intended to facilitate the economic development benefits that will accrue through enhanced commercial and residential development and increased tourism generated by riverfront redevelopment. Finally, the district regulations are intended to promote a concentration of uses that result in a high degree of pedestrian attraction and activity along the riverfront, while protecting the area at the shore of the river from building development.

### Sec. 30-447.11. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the RF-2 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for construction of any new building of greater than 45 feet in height or any addition to an existing building when such addition exceeds 45 feet in height, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Catering businesses employing not more than five persons on the premises;

(4) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities or activities, whether indoors or outdoors; (Ord. No. 2010-20, § 1, 3-8-2010)

(5) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(6) Marinas, including facilities for dispensing motor fuels, provided that a plan of development shall be required as set forth in article X of this chapter for any marina; and boathouses, piers and docks;

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

(8) Adult day care facilities;

(9) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics and studios of writers, designers, artists and others engaged in the arts;

(11) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted,

and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

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

(13) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(14) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(15) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than ten persons are employed on the premises in the conduct of any printing establishment;

(16) Hotels, provided that:

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

b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (1), (1.1), (2), (4), (5) or (12) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.

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

(17) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage as shown below, a minimum of one third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other uses principal permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

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

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

(20) Parking decks and parking garages, provided that:

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

b. Except as provided in paragraph (a) of this subsection (20), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

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

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

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

(23) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(24) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors;

(25) Business and professional schools;



(25.1) Short-term rental, subject to the requirements of Article VI, Division 14.

(26) Accessory buildings and uses customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior or exterior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

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## CM COLISEUM MALL DISTRICT

### Sec. 30-448.1. Permitted principal and accessory uses.

The following uses of building and premises shall be permitted in the CM district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district:

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith, and including areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Entertainment, cultural and recreational uses, including theatres, art galleries, museums, bowling alleys, amusement centers and other commercial recreation facilities located within completely enclosed buildings;

(4) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(4.1) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(5) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further than no gasoline engines shall be repaired or serviced;

(6) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(7) Hotels and motels, provided that a plan of development shall be required as set forth in article X of this chapter;

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

(9) Parking decks and parking garages, provided that:

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

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

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

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;

(11) Public assembly buildings, auditoriums, convention facilities, meeting rooms and exhibition spaces;

(12) Public schools and private business, professional and vocational schools not involving the use of heavy machinery, welding equipment or internal combustion engines;

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

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

**(14.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(15) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible from the interior of buildings devoted to permitted principal uses.

## DCC DOWNTOWN CIVIC AND CULTURAL DISTRICT

### Sec. 30-449.1. Intent of district.

The DCC downtown civic and cultural district is intended to be applied to sites containing or adjacent to a major public space or building intended for public assembly. The district is intended to permit the public assembly use itself, while also fostering the occupancy of adjacent sites by entertainment, cultural, and/or tourism-oriented uses that have a mutually supportive relationship with the public assembly use. The range of permitted uses is intended to generally result in a concentration of establishments with a high degree of pedestrian attraction, and the development standards are intended to result in a relatively uninterrupted collection of such uses along or around a major public space within the district.

### Sec. 30-449.2. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the DCC district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district unless specifically set forth in this section:

(1) Retail stores and shops;

(1.1) Specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises; provided that the floor area devoted to any such use shall not exceed 5,000 square feet;

(2) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith, and including areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons;

(3) Entertainment, cultural and recreational uses, including theaters, art galleries, museums, bowling alleys, amusement centers, and other commercial recreation facilities, whether indoors or outdoors;

(4) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(4.1) Dry cleaning and laundering establishments employing not more than five persons on the premises;

(5) Shops for the repair of household items, locks, bicycles and similar items, provided that not more than five persons are employed on the premises, and provided further that no gasoline engines shall be repaired or serviced;

(6) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(7) Hotel and motels, provided that a plan of development shall be required as set forth in article X of this chapter;

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

(9) Parking decks and parking garages, provided that:

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

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

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

(10) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;

(11) Public assembly buildings, auditoriums, convention facilities, meeting rooms, exhibition spaces, stadiums and arenas;

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

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

(14) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses.

## OS OFFICE-SERVICE DISTRICT

### Sec. 30-450.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the OS district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district:

- (1) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers, artists and others engaged in the arts;
- (2) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;
- (3) Catering businesses employing not more than 20 persons on the premises;
- (4) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;
- (5) Communications centers and telephone repeater stations operated by public service corporations;
- (6) Contractors' shops, offices and display rooms;
- (7) Furniture repair and upholstery shops;
- (8) Janitorial and custodial service and supply establishments;



(9) Libraries, museums, schools, parks and recreational facilities owned or operated by any governmental agency, and similar uses required for the performance of a governmental function and intended to serve residents of adjoining neighborhoods;

(10) Lodges and similar meeting places;

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

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

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

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

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

(13) Printing, publishing and engraving establishments employing not more than 20 persons on the premises

(14) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 18 feet above ground level, or in the case of a building mounted antenna, 18 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

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

(16) Wholesale, warehouse and distribution establishments in conjunction with office, showroom, display and other facilities generally accessible to the public, provided that:

a. Not more than 20,000 square feet of floor area shall be devoted to warehouse and storage use;

b. Portions of buildings adjacent to public street frontages along which front yards are required shall be devoted to office, showroom, display and other facilities generally accessible to the public;

(17) Incidental retail sales, repair, fabrication and processing activities shall be permitted within the same building as, and in conjunction with office, studio, wholesale, warehouse, distribution, supply and contractors' establishments permitted in this district when such retail sales, repair, fabrication and processing activities are clearly accessory and subordinate to the principal activity conducted on the premises;

**(17.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(18) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses.

## TOD-1 TRANSIT-ORIENTED NODAL DISTRICT

### Sec. 30-457.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the TOD-1 district is to encourage dense, walkable transit-oriented development consistent with the objectives of the master plan and to promote enhancement of the character of development along principal corridors, at key gateways, and at nodes of high activity located near transit service, bicycle infrastructure, and pedestrian-friendly streetscapes. The district regulations are also intended to safeguard the character of adjoining properties by only being applied in areas that meet the criteria above, with buffering by setbacks and screening or transitional districts to lower intensity residential areas.

The district regulations are intended to encourage appropriate redevelopment and place-making, including adaptive reuse of underutilized buildings, to create a high-quality urban realm. They are intended to improve streetscape character by providing continuity of building setbacks, to enhance public safety by encouraging an active pedestrian environment consistent with the mixed-use character of the district by providing for windows in building facades along street frontages, and to promote an environment that is safe for walking and biking.

### Sec. 30-457.2. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the TOD-1 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 30,000 square feet of floor area, and construction of any new building or addition to any existing building where vehicular circulation, including driveways, parking areas or loading areas, is to be provided on the site; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities licensed by and subject to the requirements of the State Department of Social Services.

(2) Art galleries.

(3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses.

(4) Breweries producing not more than 10,000 barrels of beer per year and distilleries producing not more than 25,000 cases of liquor per year, subject to the provisions of section 114-446.3 (6).

(5) Catering businesses.

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

(7) Dwelling units, provided that when such units are located within buildings fronting on streets designated as street-oriented commercial frontage, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units;

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

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

(10) Hotels, provided that:

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

b. The ground floor of portions of buildings adjacent to principal or priority street frontages shall be devoted to those uses specified in subsections (2), (3), (4), (8), (11), (12), (15), (16), (18), (20), (21), (23), (24), (25), (26), (28) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use.

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

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

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

(13) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises, subject to the provisions of section 30-446.3 (6).

(14) Manufacturing, warehouse, and distribution uses of food or beverages as listed in Section 30-452.1(2)(a) of under 8,000 square feet of area, but not allowing paragraph (13), and requiring consumption on premises with a minimum of 1,000 square feet of another principal use. A plan of development shall be required as set forth in article X of this chapter.

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

(16) Office supply, business and office service, photocopy and custom printing establishments.

(17) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts.

(18) Parking decks and parking garages, provided that:

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

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

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way;

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

(19) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(20) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air

conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building.

(21) Postal and package mailing services, but not including package distribution centers.

(22) Printing, publishing and engraving establishments employing not more than 20 persons the premises;

(23) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith.

(24) Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site.

(25) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

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

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

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

(26) Retail sales and food or beverage sales conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts or other spaces which are rented or otherwise made available to such vendors.

(27) Retail stores and shops.

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

(29) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

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

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

**(31.1) Short-term rental, subject to the requirements of Article VI, Division 14.**

(32) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.



## ARTICLE VI

### DIVISION 14. SHORT-TERM RENTALS

#### **30-697 Applicability of Article**

Short-Term rentals, as defined in Article XII, may be located on a lot, subject to the provisions of this division.

#### **30-697.1 Short-term rental regulations.**

The following conditions are applicable to all short-term rentals in all districts:

- a. The number of sleeping rooms available for a short-term rental shall be limited to 5. The number of short-term renters over the age of 18 occupying or present within any short-term rental shall not exceed a number equal to two multiplied by the number of sleeping rooms, as defined by the current edition of the Virginia Uniform Statewide Building Code, available for short-term rental, except where the current edition of the Virginia Uniform Statewide Building Code requires fewer occupants.
- b. No short-term rental operator shall 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. The owner of any dwelling unit used as a short-term rental shall submit a letter to the Zoning Administrator with (i) contact information for the short-term rental operator, to include name, address of residency, phone number accessible 24-hours per day and, if applicable, an E-mail address, (ii) a statement acknowledging and permitting operation of the dwelling unit as a short-term rental by the short-term rental operator, 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. The owner of a dwelling unit used as a short-term rental shall provide to the Zoning Administrator and post on the premises a floor plan of the layout of the dwelling unit, on which floor plan the owner shall label the following: the use of each room, the occupancy

- level of sleeping rooms and cooking facilities, the location and size of emergency egress and rescue openings, and the location of fire and carbon monoxide detectors
- e. Smoke detectors shall be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.
  - f. A fire extinguisher shall be present and be accessible at all times in compliance with the current edition of the Virginia Uniform Statewide Building Code.
  - g. Carbon monoxide detectors shall be present in compliance with the current edition of the Virginia Uniform Statewide Building Code.
  - h. Prior to authorization and operation of any dwelling unit as a short-term rental, the owner of the dwelling unit shall obtain a Certificate of Zoning Compliance for the short-term rental use, and an inspection shall be performed by applicable City agencies.
  - i. The dwelling unit owner shall obtain a Certificate of Zoning Compliance on a biennial basis. The period authorized shall run from January 1 of the year in which such certificate is obtained to December 31 of the following year, regardless of the date on which the dwelling unit owner obtains the certificate.
  - j. The Certificate of Zoning Compliance approval number shall be posted on all advertisements for the property.
  - k. The Zoning Administrator's issuance of a certificate does not abrogate, nullify or invalidate any other provision of federal, state or local law; any restrictive covenant; or any property owners' association by-law.
  - l. The short-term rental operator shall occupy a dwelling unit on the property to be operated as a short-term rental for at least 185 days per year.
  - m. No short-term rental operator shall agree to more than one booking transaction for the same date or dates, such that no two or more separately-booked groups of short-term renters shall be allowed to occupy the same short-term rental at the same time.
  - n. No short-term rental operator or owner of a dwelling unit shall offer, allow, provide, or advertise a dwelling unit for any commercial use, other than a short-term rental, not customarily incidental to a residential dwelling, including, without limitation, use for parties, banquets, weddings, meetings, filming, advertising activities, or any other gathering of persons other than the authorized lodgers.

**30-697.2 Short-term rentals located in certain residential zoning districts.**

The following conditions are applicable to all permitted short-term rentals within the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-43 & R-48 zoning districts:

- a. One non-illuminated wall sign, not exceeding two square feet, shall be permitted.

**30-697.3 Short-term rentals located in certain other zoning districts.**

The following conditions shall be applicable to all permitted short-term rentals within any other zoning district:

- a. Signs shall conform to applicable regulations of Article V of this Chapter.

**Sec. 30-1220 Definitions.**

.15:1 *Booking transaction* means 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.

.985 *Short-term rental* means a room or group of rooms, all within a single unit of a dwelling use permitted in the district in which such dwelling use is located, used or intended for use as temporary lodging by the traveling public and similar transient guests in return for compensation on a daily basis. The term “short-term rental” is intended to be distinguished from hotels, motels, tourist homes and lodgishouses, shelters, group homes, and similar forms of housing.

.986 *Short-term rental operator* means the operator of a short-term rental in the capacity of owner of the dwelling unit serving as the short-term rental.

.987 *Short-term renter* means any person permitted to occupy a short-term rental for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy, and any companions or guests of such person.