



## Legislation Text

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**File #:** ORD. 2019-343, **Version:** 1

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To amend City Code §§ 30-402.2, 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-414.2, 30-416.2, 30-418.2, 30-419.4, 30-420.1, 30-426.1, 30-428.1, 30-430.1, 30-433.2, 30-433.11, 30-434.1, 30-436.1, 30-438.1, 30-440.1, 30-442.1, 30-444.2, 30-446.2, 30-447.2, 30-447.11, 30-448.1, 30-450.1, 30-457.1, concerning permitted principal uses, and 30-1220, concerning definitions related to zoning, and to amend ch. 30, art. VI of the City Code by adding therein a new div. 14 (§§ 30-697-30-697.3), concerning short-term rentals. (As Amended)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-402.2, 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-414.2, 30-416.2, 30-418.2, 30-419.4, 30-420.1, 30-426.1, 30-428.1, 30-430.1, 30-433.2, 30-433.11, 30-434.1, 30-436.1, 30-438.1, 30-440.1, 30-442.1, 30-444.2, 30-446.2, 30-447.2, 30-447.11, 30-448.1, 30-450.1, 30-457.1, and 30-1220 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

**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 Article VI, Division 9 of this chapter):

- (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) Accessory lodging units within single-family dwellings when such units are occupied by a total of not more than two persons;
- (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:
  - a. 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;
  - b. No fenced area or pen for the keeping of such chickens shall be located within any required front yard or street side yard; and
  - c. No structure for the keeping of such chickens shall be located within any required yard (see Chapter 4);
- (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 through 30-692.6[7] ;

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

**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 subsection (2) 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 subsection (2) 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 subsection (2) of this section.

**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 subsection (2) of this section.

**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 subsection (2) of this section.

**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 subsection (3) of this section.

**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 subsection (3) of this section.

**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 facade along the street frontage, the provisions of this subsection 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 facade.

b. Except as provided in Subsection (5)a of this section, 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 subsection (3) of this section.

### **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 of this chapter.

### **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 of this chapter.

**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 of this chapter.

**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 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 of this chapter.

**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 the ordinance from which this provision is derived, 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 the ordinance from which this provision is derived, 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;

(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. 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. All portions of such structure located along a street that generally functions as the primary orientation of businesses in the district shall not be used for parking of vehicles, but shall be devoted to other permitted principal uses or to means of pedestrian or vehicle access;

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, cafés, 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 of this chapter.

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

**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 Subsection (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 the ordinance from which this provision is derived, 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 the ordinance from which this provision is derived, 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;

(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 facade along the street frontage, the provisions of this subsection 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 facade;

b. Except as provided in Subsection (15)a of this section, 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, cafés, 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 Code of Virginia, § 54.1-3401;

(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 through 30-692.6, provided that a plan of development shall be required as set forth in Article X of this chapter;

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

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

**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);

(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, cafés, 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;

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

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

**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);
- (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 the ordinance from which this provision is derived, 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 the ordinance from which this provision is derived, 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;

(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 facade along the street frontage, the provisions of this Subsection (1)a 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 facade;

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 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;

c. Except as provided in Subsection (25)a of this section, 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, cafés, 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 of this chapter.

(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 subsection.

**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 Section 30-710.13(1) and (2);

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);

(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 objectional 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 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 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 facade 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 facade;
  - 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 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;
  - c. Except as provided in Subsection (32)a of this section, 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, cafés, 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 Section 30-710.13(1) and (2);

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 Code of Virginia, § 54.1-3401;

(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 of this chapter.

(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.

**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;

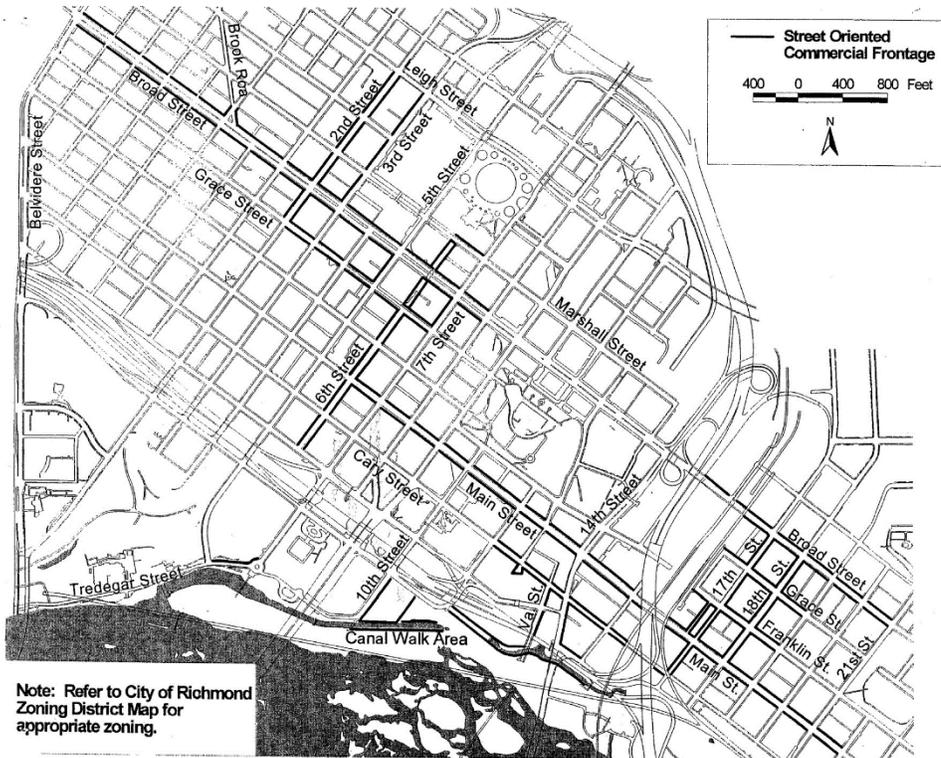
(8) Communications centers and telephone repeater stations operated by public service corporations;

(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;



- (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 subsection that exceed 50 percent of such frontage shall be permitted, but shall not be expanded to occupy a greater percentage of such frontage;

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 objectional 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;

(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 facade 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 facade. 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;

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 of this chapter.

(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.

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

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

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

(1) Adult care facilities;

(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) Day nurseries licensed by and subject to the requirements of the Virginia Department of Social Services;
- (5) 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;
- (6) 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;
- (7) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
- (8) 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 or any priority street frontage shall be devoted to those uses specified in subsections (2), (3), (7), (14), (20), or (21) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use;
  - c. A plan of development shall be required as set forth in article X of this chapter.
- (9) Laundromats and laundry and dry cleaning pick-up stations;
- (10) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance

of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

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

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

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

a. No portion of such structure located along a principal street frontage or priority street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or priority street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage or a priority street frontage and having less than five feet of its height above the grade level at the building facade 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 facade;

b. Except as provided in paragraph (a) of this subsection (13), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

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

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

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

(15) Pet shops, veterinary clinics, and animal hospitals, including boarding kennels operated in conjunction therewith, provided 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;

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

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

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

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

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

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

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

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

- (21) Retail stores and shops;
- (22) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;
- (23) Sales lots for Christmas trees, vegetable stands, and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;
- (24) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;
- (25) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;
- (26) Uses owned or operated by a governmental agency but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment, or housing of persons who are currently illegally using or are addicted to a controlled substance as that term is defined in Code of Virginia, § 54.1-3401;
- (27) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

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

- (28) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this

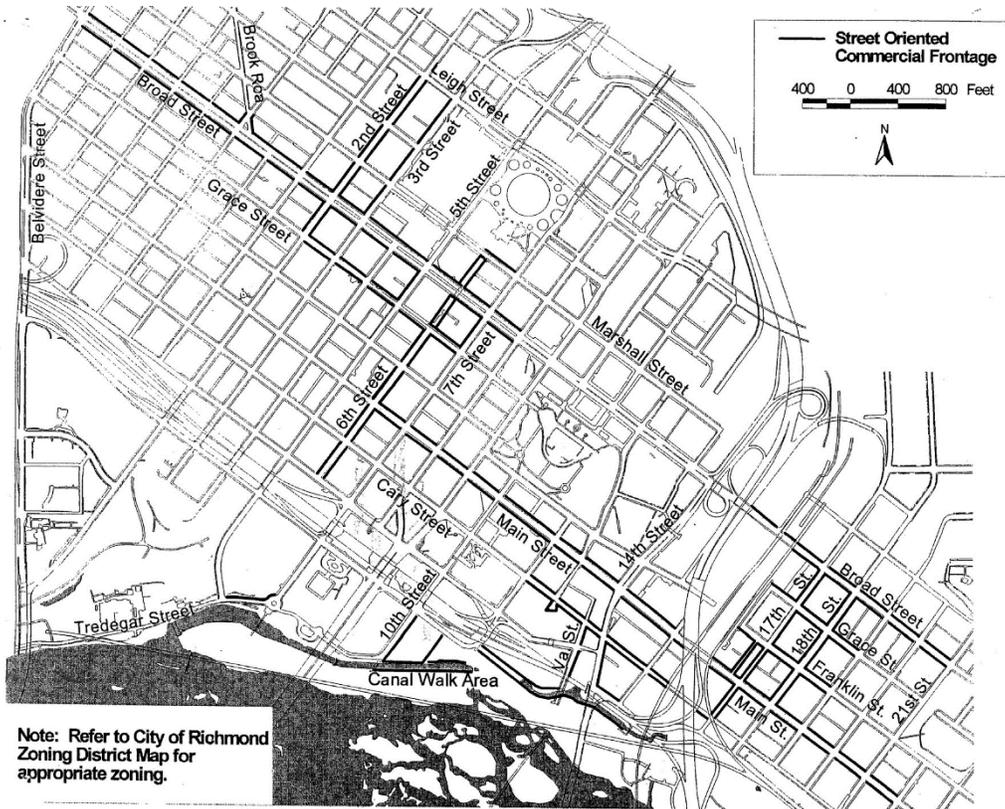
district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

**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 those uses specified in Subsection (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.

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 facade 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 facade.

b. Except as provided in Subsection (16)a of this section, 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, cafés, 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 Code of Virginia, § 54.1-3401.

(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 through 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 of this chapter.

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

**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(6), 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(6).
- (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(6), 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 street 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.
  - (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(6).
  - (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 Subsection (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.

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(6).

(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.

(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.

(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(6), 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 facade along the street frontage, the provisions of this section 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 facade.

b. Except as provided in Subsection (29)a of this section, 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.

(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 City 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 Code of Virginia, § 54.1-3401.

(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 creating the B-7 district 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(6), 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(6), and 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.

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

(49) 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.

**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, cafés, 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;

(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;

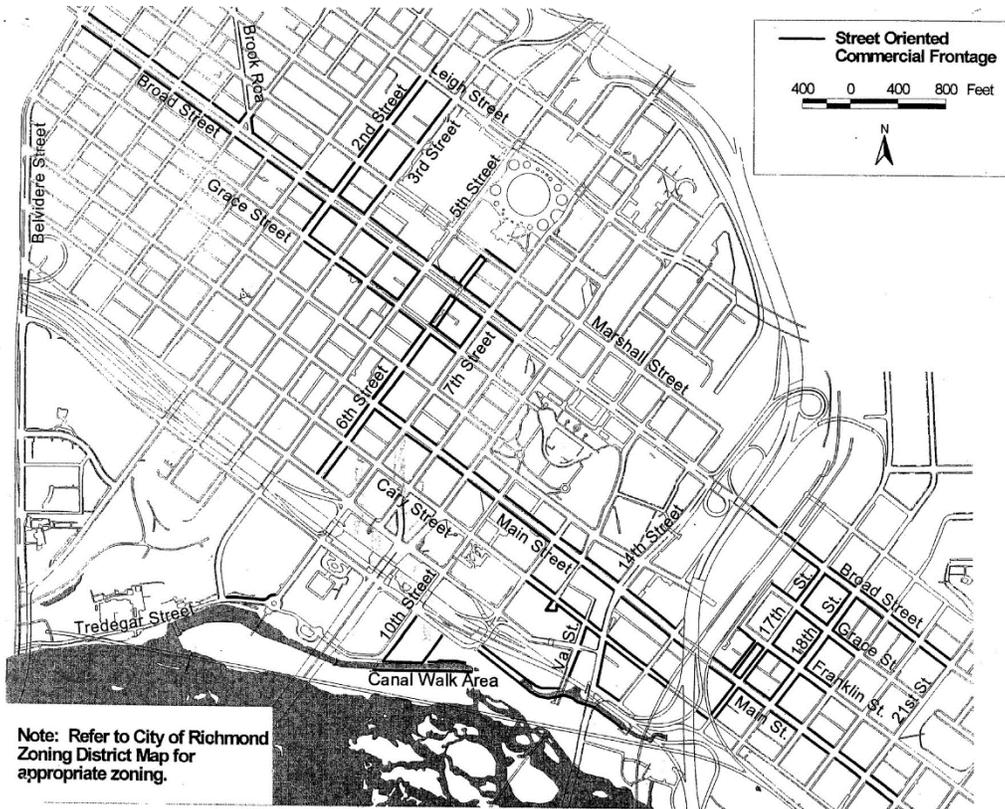
(16) Hotels, provided that:

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 Subsection (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 Code of Virginia, § 54.1-3401;

(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 facade 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 facade;

b. Except as provided in Subsection (20)a of this section, 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 of this chapter.

(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.

**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, cafés, 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;
- (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:

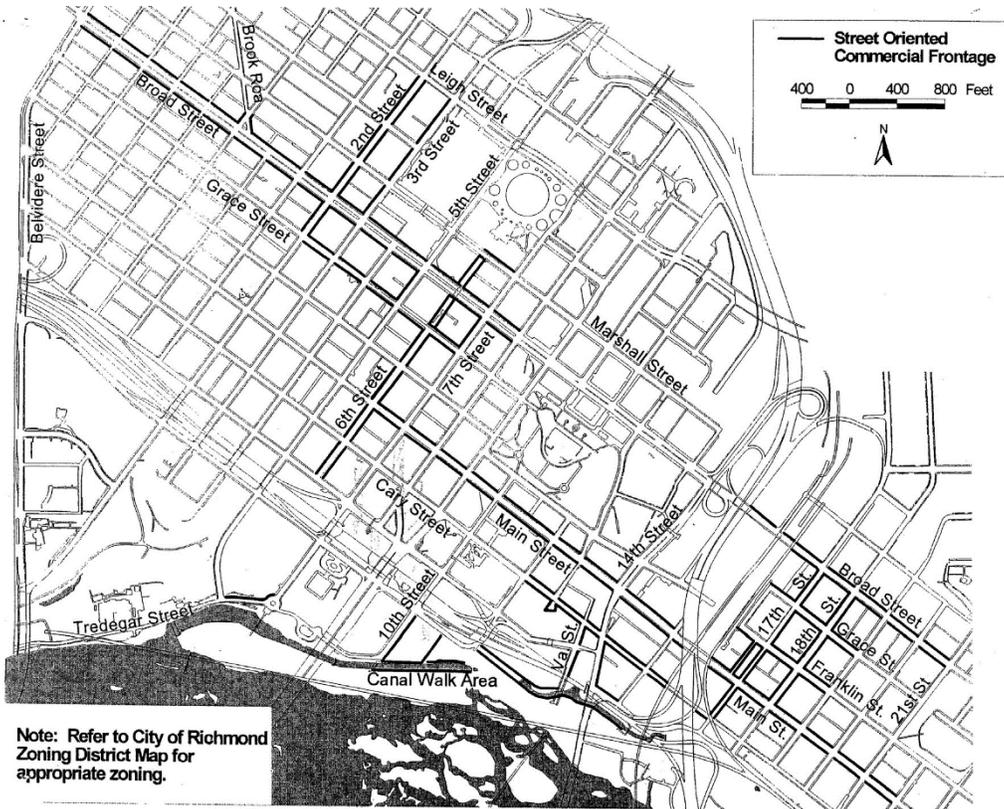
a. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in Subsection (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 long 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 Code of Virginia, § 54.1-3401;

(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 facade along the street frontage, the provisions of this subsection 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 facade;

b. Except as provided in Subsection (20)a of this section, 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 of this chapter.

(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.

### **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, cafés, 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 of this chapter.

(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.

**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 of this chapter.

(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.

**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 30-446.3(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 and 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 any 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 facade 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 facade.

b. Except as provided in subdivision (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 on 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 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 of this chapter.

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

#### **Sec. 30-1220. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.1 *Accessory structure* and *accessory building* mean a structure or building used for purposes incident and subordinate to the principal use of the premises.

.2 *Accessory use* means a use of land or use of a structure or building for purposes incident and subordinate to the principal use of the premises.

.3 *Adult bookstore* means a commercial establishment which offers for sale, rental or viewing for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, when one or more of the following criteria apply:

(1) In any one month, 25 percent or more of the gross income of the establishment is derived from the sale, rental or viewing of such materials;

(2) Twenty-five percent or more of the floor area of the premises is devoted to the display or storage of such materials; or

(3) Twenty-five percent of the stock in trade of the establishment is comprised of such materials.

.4 *Adult care residence* means any place, establishment, institution or portion thereof operated or maintained as a residence providing for the maintenance or care of four or more adults who are aged, infirm or disabled and which is licensed by the Commonwealth as an adult care residence.

.5 *Adult day care facility* means a facility which provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services.

.6 *Adult entertainment establishment* means a restaurant, nightclub, private club or similar establishment which features, on a regular basis, live performances involving persons who are seminude. For the purposes of this definition, the term "seminude" means:

(1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast.

(2) Male genitals in a state of arousal even if completely and opaquely covered. Any establishment which features such performances more than one day in a 30-day period shall be deemed to be an adult entertainment establishment. The restrictions in this definition shall not apply to a legitimate theatrical performance where nudity or seminudity is only incidental to the primary purpose of the performance.

.7 *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other comparable technology) containing specified sexual activities or specified anatomical areas (sexually oriented films) are predominantly shown or where a

predominant number of films are limited to adults only. For the purposes of this definition, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding by the Zoning Administrator that sexually oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

.8 *Alley* means a public way affording or intended to afford secondary means of vehicular access to abutting properties.

.9 *Amusement center* means a building, portion of a building or area outside of a building, where four or more video game machines, pinball machines, pool or billiard tables or other similar player-operated amusement devices or any combination of four or more such devices are maintained for use by the public.

.10 *Area devoted to parking* means that portion of a lot which is improved for purposes of a principal or accessory parking area or parking lot and related vehicle circulation and including all parking spaces, access aisles, driveways, loading areas and vehicle stacking areas or maneuvering space.

.11 *Automated teller machine* means a computerized electronic machine that performs basic banking functions such as handling deposits, transferring funds or issuing cash withdrawals; also known as an ATM or automatic teller machine.

.12 *Auto service center* means an establishment for the servicing and minor repair of motor vehicles within enclosed service bays or stalls and which may include the dispensing of motor fuels and related products at retail and the sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items. An auto service center shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders,

doors, bumpers or other major body or mechanical parts.

.12:1 *Awning* means a permanent or retractable architectural projection, typically constructed using a lightweight frame structure over which a cloth or similar non-structural covering is attached, providing a light roof-like structure over door entrances or windows that provides sun and weather protection, identity, or decoration and is wholly supported by the exterior facade of the building to which it is attached.

.13 *Bicycle rack* means a structure to which the frame and both wheels of a bicycle can be securely attached.

.14 *Block* means all of the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development.

.15 *Block, entire* means all of the property lying within an area bounded entirely by streets or by any combination of streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development.

.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.

.16 *Building* means a structure having a roof and intended for the shelter or enclosure of persons or chattels and which is enclosed within exterior walls or which, if a structure is used or occupied for nondwelling purposes, is enclosed within exterior walls, party walls or other permanent wall separation having no ingress or egress through or to another such structure.

.17 *Building area* means the horizontal area of a lot covered by enclosed building space as measured from exterior faces of exterior walls of each building on the lot.

.18 *Building, completely enclosed*, means a building having no outside openings other than ordinary doors, windows and ventilators.

.19 *Building, height of*, means the vertical distance from mean grade level to the highest point of a flat roof; to the deck line or highest point of the coping of a mansard roof; or to the mean height level between the eaves

and the ridge of a gable, hip, shed or gambrel roof.

.20 *Building, main*, means a building occupied by a principal use.

.20:1 *Canopy* means a permanent or architectural projection typically of rigid construction over which a structural covering is attached, providing a roof-like structure generally over door entrances, outdoor dining or service areas that provides sun and weather protection, identity or decoration structurally supported by the exterior facade of the building to which it is attached.

.21 *Clinic* means a facility providing health services for persons on an outpatient basis and where no patients are lodged overnight.

.22 *Court, inner*, means an uncovered open space, other than a yard, surrounded on all sides by the exterior walls of a structure.

.23 *Court, outer*, means an uncovered open space, other than a yard, surrounded on three sides by the exterior walls of a structure. Where the fourth or open side of a court is enclosed by projections exceeding 25 percent of its width, such court shall be considered an inner court.

.24 *Day nursery* means a facility for the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.

.25 *Development site* means all of the land developed or to be developed for single-family attached dwellings or mixed-use development and related accessory uses and structures, when such land is contiguous and planned and developed as a unit. For single-family attached dwellings, the development site shall include individual attached dwelling lots, open spaces, private streets, parking areas, community buildings and other uses, structures and areas owned or to be owned in common by owners of individual lots within the development.

.26 *Drive-up facility* means any principal use or facility accessory to a principal use where service is rendered to or business is transacted directly with customers located in a motor vehicle.

.27 *Dwelling, multifamily*, means a building containing three or more dwelling units.

.28 *Dwelling, single-family attached*, means a building which contains only one dwelling unit and which is

attached by means of party walls to another main building, each of which is located on an individual lot of record.

.29 *Dwelling, single-family detached*, means a building completely separated from any other main building and containing only one dwelling unit.

.30 *Dwelling, two-family*, means a building containing two dwelling units, and consisting of either of the following:

(1) *Dwelling, two-family attached*, means a two-family dwelling which is attached by means of a party wall to another main building, each of which is located on an individual lot of record.

(2) *Dwelling, two-family detached*, means a two-family dwelling which is completely separated from any other main building.

.31 *Dwelling unit* means a room or group of rooms within a building constituting a separate and independent unit occupied or intended for occupancy by one family and containing one kitchen and provisions for living, sleeping, eating and sanitation, all of which are generally accessible to all occupants of the unit, and which is not available for occupancy for periods of less than one month.

.32 *Dwelling use* means any of the following principal uses: single-family detached dwelling, single-family attached dwelling, two-family dwelling, multifamily dwelling, nursing home, adult care residence, group home, lodginghouse, fraternity or sorority house; and includes any dwelling unit contained within the same building as other permitted principal uses.

.33 *Family* shall consist of persons living together as a single housekeeping unit and shall include any of the following:

- (1) One or more persons related by blood, marriage, legal guardianship or adoption, including foster children;
- (2) Not more than three unrelated persons or a combination of related and unrelated persons;
- (3) Two unrelated adults plus children related to one or both adults by blood, marriage, legal guardianship or adoption, including foster children;

(4) Not more than eight unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a single dwelling unit or other residential facility for which the department of mental health, mental retardation and substance abuse services of the commonwealth is the licensing authority pursuant to the Code of Virginia, shall be considered a family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401;

(5) Not more than eight handicapped persons, as defined by the federal fair housing act, occupying a single dwelling unit, and in addition thereto may include one or more resident counselors or other staff persons.

The term "family" shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home, lodginghouse, group home, adult care residence, nursing home, shelter or institution of any kind, except as specifically included by this definition.

.34 *Flea market* means an activity conducted outside an enclosed building and which involves the retail sale of new or used merchandise by one or more vendors operating from stalls, stands, vehicles or other spaces which are rented or otherwise made available to such vendors. The term does not include outdoor display or sales of a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises; nor does it include the sale of merchandise as part of a permitted festival or other similar special event, temporary in duration, at which the display and sale of merchandise are incidental to the primary cultural, charitable, informational or recreational activity of such festival or special event. A flea market shall not be considered a permitted accessory use to an activity of similar nature conducted in an enclosed building or to any other principal use in any zoning district.

.35 *Floor area* means the sum of the horizontal areas of enclosed building space on all floors of all buildings on a lot measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways and elevator shafts. The following shall be excluded from calculation of floor area:

(1) Open exterior balconies and other unenclosed spaces.

- (2) Uncovered terraces, patios, porches, or steps.
- (3) Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles.
- (4) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
- (5) Areas for common special purpose use by occupants of the premises, including laundries, recreation areas, sitting areas and libraries in buildings devoted to dwelling use, and storage areas, and areas devoted exclusively to management and/or maintenance of the premises in buildings devoted to any use, but not including incidental commercial activities in any case.

.36 *Floor area ratio (FAR)* means the total square foot amount of floor area on a lot for each square foot of land area. Floor area ratio is determined by dividing the floor area on a lot by the land area attributed to the lot.

.37 *Fraternity or sorority house* means a building which is used for living accommodations, meetings, gatherings or other activities for students who are members of a college or university fraternity or sorority and their guests.

.38 *Ground floor* means the story (of a building) having its floor elevation closest to the elevation of the adjacent street.

.39 *Group home* means a building or portion thereof intended for residential occupancy for periods of not less than one week and where the total occupancy of such facility does not constitute a family, as defined in this section, and having all of the following characteristics:

- (1) Occupancy is not available to the general public.
- (2) Sleeping areas are not arranged in a dormitory configuration.
- (3) Facilities and services include living, sleeping, sanitation, either the provision of at least one daily meal or the provision of kitchen facilities for use by residents, and a defined program for operation and services for residents, which may include minor medical care, counseling, training and similar services.

(4) Supervision of residents is provided.

The term "group home" shall not be construed to include a "shelter" as defined in this section.

.40 *Home occupation* means any occupation, profession, business or enterprise which is incidental and secondary to the principal use of the premises as a dwelling unit.

.41 *Hospital* means a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration.

.42 *Hotel* and *motel* mean a building or group of buildings on the same site containing guestrooms with sanitation facilities, with or without kitchens, intended to be rented for compensation for occupancy by the traveling public and similar transient guests primarily on a daily or weekly basis. The terms "hotel" and "motel" are intended to apply to motor inns, motor lodges, auto courts and tourist courts, except when such terms conform to the definition of tourist home contained in this section, and are intended to be distinguished from lodgings, shelters, group homes and similar forms of housing. The term "hotel" applies to any such facility as defined herein consisting of a single building where primary access to all guestrooms is by way of a common lobby within the building or a corridor connected to a common lobby, with no primary access to individual guestrooms directly from the exterior of the building.

.43 *Industrialized building* means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in Code of Virginia, § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this definition.

.44 *Interstate highway* means any road within the National System of Interstate and Defense Highways described within 23 U.S.C. § 103(e).

.45 *Kennel* means any lot or structure used for the sale, keeping, boarding or commercial breeding of dogs, cats, or other household pets and involving five or more such animals over the age of four months.

.46 *Kitchen* means a room or portion thereof containing facilities which are designed, intended or used for cooking and preparation of meals.

.47 *Land area* means the area of a lot within the property lines, plus one-half the width of abutting public street and alley rights-of-way.

.48 *Live/work unit* means a dwelling unit within which an occupation, profession, business or enterprise is conducted in conjunction with the living space of the owner or operator of such occupation, profession, business or enterprise, and which constitutes a principal use and does not otherwise meet the definition of home occupation contained in this article.

.49 *Loading space* means an area within a building or elsewhere on the premises used for the standing, loading or unloading of vehicles in connection with the use of the property on which such space is located.

.50 *Lodge* means a meeting place for an association of persons organized for a common nonprofit objective such as literature, science, politics, health, good fellowship or civic betterment, where no commercial enterprise is conducted on the premises and where use of the premises is generally limited to members of such association. A motorcycle or automobile club or private entertainment club shall not be considered a lodge.

.51 *Lodginghouse* means a building containing any number of lodging units, when the total of all such units in the building are occupied or intended to be occupied by a total of more than two persons, with or without board, and not available for occupancy for periods of less than one week, as distinguished from a group home or shelter, as defined in this section, and from a tourist home, hotel or motel where occupancy is available to transient guests on a daily basis. In addition to the foregoing, existence of any one or more of the following characteristics constitutes prima facie evidence that a dwelling use is being used as a lodginghouse: separate rental agreements for different occupants; exterior locking mechanisms on interior doors of rooms for occupants; separate entrances from the exterior of the building for individual occupants; and normally common

areas of dwelling unit, such as the living room, family room or dining room, being used as sleeping areas or not being available on an equal or common basis to all occupants.

.52 *Lodging unit* means a room or group of rooms within buildings constituting separate and independent living quarters occupied or intended for occupancy by one family and containing provisions for living and sleeping, with or without sanitation facilities within the unit, and not containing cooking facilities.

.53 *Lodging unit, accessory*, means a lodging unit located within a single-family dwelling, consisting of a room separate from the primary living quarters of the dwelling, but with internal access through the dwelling, not containing facilities for cooking or refrigeration of food, and which is not available for occupancy for periods of less than one month.

.54 *Lot* means a parcel of land occupied or intended for occupancy by buildings or uses permitted by this chapter and including such area, yards and other open spaces as are required in this chapter. A lot may consist of a single lot of record or a combination of contiguous lots of record.

.55 *Lot, corner*, means a lot located at the intersection of two or more streets or a lot bounded entirely by streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the intersections of the side lot lines with the street line to the midpoint of the street frontage meet at an interior angle of 135 degrees or less.

.56 *Lot coverage* means that portion of a lot occupied at ground level or above by enclosed space within main buildings and accessory buildings.

.57 *Lot, interior*, means a lot having only one street frontage.

.58 *Lot of record* means a lot which is part of a subdivision recorded in the office of the clerk of the proper court, or a lot or parcel described by metes and bounds which has been so recorded.

.59 *Lot, through*, means a lot other than a corner lot having more than one street frontage.

.60 *Lot width* means the shortest horizontal distance between the points where the rear of the required front yard intersects the sidelines of a lot. For through lots, the lot width shall be measured adjacent to the street

frontage to which the main building is oriented.

.60:1 *Major reconstruction* means reconstruction of a building to the extent of more than 60 percent of its replacement value, as determined by the commissioner of buildings utilizing the RSMeans or a similar cost evaluation system for comparable construction. The term "reconstruction" includes major reconstruction as defined herein as well as any reconstruction to a lesser extent.

.61 *Mall* means a public way upon which business establishments have frontage and which serves primarily for the movement of pedestrians, with trees, benches or other furnishings provided and with vehicular access prohibited, restricted or reduced so as to emphasize pedestrian use.

.62 *Manufactured home* means any structure subject to federal regulation and which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes the plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure.

.63 *Manufactured home park* means a lot on which are located or which is arranged or equipped for the accommodation of two or more manufactured homes with spaces for such available for rent or lease for periods of not less than one month.

.64 *Marina* means any facility for the mooring, berthing, storing or securing of watercraft, including community piers and other boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marina equipment sales or promotional events, boat and jet ski rentals and other uses clearly incidental to watercraft activities.

.65 *Mean grade level* means the average of the lowest and highest finished elevations of the ground adjacent to the exterior walls of a building.

.66 *Microwave relay facility* means a facility for the transmission and/or reception of radio frequency (RF)

signals, typically consisting of an equipment enclosure or cabinet and one or more dish antennas (discs) which transmit point to point, mounted on an antenna support structure or alternative antenna support structure. Such a facility may be an accessory component of a wireless communications facility.

*.67 Microwave relay facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a microwave relay facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

*.68 Microwave relay facility support structure* means a structure designed and constructed specifically to support a microwave relay antenna, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

*.69 Nightclub* means any establishment in which all of the following features are made available at any time from 12:00 midnight until 6:00 a.m.:

- (1) Alcoholic beverages served or consumed on the premises;
- (2) Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity, provided that floor space utilized for patrons to view television or similar media shall not be construed to constitute floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity; and
- (3) Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:
  - a. Sound associated with television or similar media being viewed by patrons; and
  - b. Music provided exclusively as background entertainment for dining patrons.

In any case where the above features are only incidental to a private event not open to the general public such

as a wedding reception, banquet, non-profit event or similar function, such features shall not be construed to constitute a nightclub.

.69:1 *Noncommercial flag* means a piece of cloth or other flexible material that only depicts the emblem or insignia of a nation, political unit, educational, charitable, religious, civic, or other similar group or is a decorative flag that does not display a commercial message, and generally attached by one edge to a flag pole or light pole.

.70 *Nonconforming feature* means a feature of a use, other than the use itself, or a feature of a building or structure lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the lot area, lot coverage, yard, open space, floor area, height, parking, loading, lighting, screening or other regulations of this chapter or any amendment thereto.

.71 *Nonconforming sign* means a sign lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the sign regulations of this chapter or any amendment thereto.

.72 *Nonconforming use* means a principal or accessory use of land, buildings or structures lawfully existing at the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto and which does not conform with the use regulations of this chapter or any amendment thereto.

.73 *Nursing home* means any place, establishment, institution, or portion thereof providing on a continuing basis nursing and health-related services for the treatment and inpatient care of two or more persons and which is licensed by the commonwealth as a nursing home.

.74 *Open space, uncovered*, means exterior space open to the sky including usable roof area.

.75 *Parking area* means a parcel of land or portion thereof used for the parking of motor vehicles for which there is no direct charge to the user. A direct charge shall be construed to mean a charge levied at the parking area.

.76 *Parking deck* means a structure or portion of a structure used for the parking of motor vehicles and bicycles and primarily serving occupants of the premises on which it is located and which may include parking spaces that are leased for a term of not less than one month for use by others, so long as there is no direct charge to the user levied at the parking deck.

.77 *Parking garage* means a structure or portion of a structure generally available to the public and used for the parking of transient motor vehicles and bicycles for compensation, whether by prior rental or lease agreement or on an hourly or daily basis.

.78 *Parking lot* means a parcel of land or portion thereof used for the parking of motor vehicles as a commercial enterprise for which compensation is charged at the parking lot.

.79 *Parking space* means an area for the parking of one motor vehicle located other than within a public street or public alley right-of-way and having dimensions specified in Section 30-710.3:1 and having a permanent means of access to a public street or public alley without requiring passage through another parking space.

.80 *Parking space, bicycle* means an area for the parking of one bicycle located other than within a public street or public alley right-of-way and having a paved means of access to a public street or public alley.

.81 *Parking space, long-term bicycle* means a bicycle parking space in a secure, weather-protected facility intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and employees.

.82 *Parking space, short-term bicycle* means a bicycle parking space provided by a bicycle rack located in a publicly accessible, highly visible location intended for transient or short-term use by visitors, guests, patrons, and deliveries to the building or use.

.83 *Parkway* means any highway, other than a designated federal interstate highway, from which direct vehicular access to abutting privately owned properties is prohibited, and which is characterized by landscaped medians and/or shoulder areas, or any highway which is designated as a "parkway" in the City's master plan.

.84 *Party wall* means a wall separating and common to two buildings on individual lots and being of

noncombustible material as specified by the Virginia Uniform Statewide Building Code.

*.85 Portable storage unit* means a portable, weather resistant receptacle designed and used for the temporary storage or shipment of household goods, personal property, wares or merchandise, and which is typically rented to owners or occupants of property for their temporary use, and which customarily is delivered and removed by truck. The term shall not be construed to include (i) receptacles used for collection of food, clothing, household goods or similar items in conjunction with an activity conducted by a governmental agency or a non-profit organization, or (ii) waste and debris containers or temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises.

*.86 Principal street frontage* means:

(1) In the case of a corner lot, that frontage of the lot lying within any district and situated along the street which carries the greater volume of pedestrian and vehicle traffic and generally functions as the primary orientation of dwellings, businesses or other uses within the block, and along which the principal entrance to the existing or proposed building on such corner lot is oriented. In a case where more than one street frontage of a corner lot meets any of the aforementioned criteria, the principal street frontage of the lot shall be as determined by the Zoning Administrator after considering all of such criteria, together with any other unique physical conditions of the corner lot or the adjacent street and lot pattern; or

(2) In the case of an interior lot or a through lot, a street frontage that generally functions as the primary orientation of dwellings, businesses or other uses within the block.

*.86:1 Priority street frontage* means that portion of a lot abutting a street designated as a priority street on the official zoning map established and maintained pursuant to Section 30-200 and situated between lot lines intersecting such street.

*.87 Public mall or plaza* means a public right-of-way closed to motor vehicle travel intended for use as an outdoor pedestrian way or outdoor public assembly area or, similarly, a publicly owned property intended for and devoted to such use.

.88 *Public parking space* means an area for the parking of one motor vehicle located within a public right-of-way and available for parking by the general public during normal business hours other than such peak traffic periods as may be restricted by traffic regulations imposed by the City; or a structure which is operated for purposes of public parking on a not-for-profit basis by the City, other public agency or a merchants' or property owners' association, and which is identified as public parking by a sign posted in a conspicuous location, when such parking space is available for use by the general public during normal business hours and is not reserved, restricted or required for use by patrons or employees of any particular business or use.

.89 *Radio and television broadcast antenna* means a rod (whip) or other device intended to send signals produced by a radio or television broadcast studio to the receiving devices operated by end users.

.90 *Radio and television broadcast antenna alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a radio or television broadcast antenna is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

.91 *Radio and television broadcast antenna support structure* means the supporting structure on which a radio and television broadcast antenna is mounted, intended to provide height for the antenna to facilitate transmission of the radio or television signal over a geographic area, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

.92 *Recreational vehicle* means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term "recreational vehicle" shall include but shall not be limited to travel trailers, pickup campers, camping trailers, motorcoach homes, converted trucks and buses, and boats and boat trailers.

.93 *Retail sales of liquor* means any use involving the sale of distilled or spirituous beverages such as brandy or

whiskey, as distinguished from fermented beverages such as wine or beer, to the general public for consumption off the premises, when such sale takes place within a portion of a retail establishment.

.94 *Retail stores and shops* means establishments wherein the principal activity is the sale of merchandise at retail to the general public, including incidental storage of goods to be sold at retail on the premises and including incidental fabrication or processing of goods to be sold principally at retail on the premises, but not including establishments for the sale in bulk of fuels, building materials and lumber, or the sale of motor vehicles, boats, trailers, machinery, heavy equipment, tires or similar items.

.95 *Roofline* means the highest point of the roof of a building.

.96 *Service station* means an establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, sparkplugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items; and which may include the inspection, servicing or minor repair of motor vehicles in not more than three enclosed service bays or stalls. A service station shall not include any establishment engaging in general auto or truck repair; body repair or painting; welding; frame straightening; tire recapping or vulcanizing; storage of wrecked vehicles; or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

.97 *Shelter* means a building or portion thereof intended for temporary residential occupancy on a daily or longer basis by persons with no other fixed place of abode or persons who are temporarily displaced from their place of abode and having all of the following characteristics:

- (1) The use is operated on a not-for-profit basis;
- (2) Sleeping areas are provided in a dormitory or other configuration;
- (3) Facilities and services include living, sleeping, sanitation and the provision of at least one daily meal and are available only to residents and staff;

(4) Minor medical care, job counseling and substance abuse counseling services are available to residents, either on the premises or by written agreement with providers; and

(5) Supervision of residents is provided.

*.98 Shopping center* means a development that contains four or more retail or other commercial buildings planned, developed and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve and which is provided with off-street parking on the premises. For a shopping center with greater than 50 percent of the gross leasable area devoted to uses for which the number of spaces required is one per 100 square feet of floor area or greater, required parking shall be as specified in Section 30-710.3(e).

*.98:1 Short-term rental* means a room or group of rooms, all within a single dwelling unit of a dwelling use permitted in the district in which such dwelling use is located, used or intended for use as lodging for at least one but fewer than 30 consecutive nights by the traveling public and similar transient guests in return for compensation on a daily basis. The term “short-term rental” is intended to be distinguished from hotels, motels, tourist homes and lodgings, shelters, group homes, and similar forms of housing.

*.98:2 Short-term rental operator* means an individual who is the owner of a dwelling unit used as a short-term rental.

*.98:3 Short-term renter* means any person who contracts with a short-term rental operator to occupy a short-term rental in exchange for a charge for such occupancy, and any companions or guests of such person.

*.99 Sign* means any object, device, display, or part thereof, visible from a public place, a public right-of-way, or any navigable body of water, which is designed and used to attract attention to an institution, organization, business, product, service, event, location, or person by any means involving words, letters, figures, symbols, fixtures, logos, colors, illumination, or projected images. The term "sign" does not include the display of merchandise for sale on the site of the display.

.100 *Sign, animated*, means any sign having a conspicuous and intermittent variation in illumination, message or physical position of any or all of its parts, except that any sign which revolves around a fixed axis at a rate of not more than six revolutions per minute or any sign which flashes or changes its message not more than once every five seconds or any flag or banner which is entirely dependent upon wind for movement shall not be considered an animated sign for the purposes of this chapter.

.101 *Sign, awning* means a sign painted, printed, sewn, or similarly attached to an awning as an integrated part of the awning itself.

.101:1 *Sign, canopy* means a sign attached to a canopy so that the display surface is parallel, or nearly so, to the plane of the front building front facade.

.102 *Sign, commercial flag*, means a sign consisting of a piece of cloth or other flexible material used to attract attention to a commercial use, product, service, or activity and generally attached by one edge to a flag pole or light pole.

.102:1 *Sign, feather*, means a lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop.

.103 *Sign, freestanding*, means a sign supported by uprights, brackets, poles, posts, a foundation or similar features which are anchored within the ground.

.103:1 *Sign, minor*, means a wall or freestanding sign not exceeding two square feet in area in a residential district and a wall or freestanding sign not exceeding four square feet in area in any other district, provided such sign is located within ten feet of the main entrance to a building if a wall sign and within ten feet of the main entrance of the lot if a freestanding sign and provided such is not used to promote, identify, or attract attention to a commercial use.

.103:2 *Sign, off-premises*, means a sign that directs attention to a business, product, service, or activity conducted, sold, or offered at a location other than the premises on which the sign is erected.

.103:3 *Sign, pennant*, means a sign consisting of lightweight plastic, fabric, or other similar material, suspended

from a rope, wire, or string, usually in series, and designed to move in the wind.

.104 *Sign, portable*, means a sign consisting of a fixed message or a changeable message panel, which sign is not attached to a building or anchored within the ground and is capable of being moved easily from one location to another on its own chassis or by other means.

.105 *Sign, projecting*, means a sign which is attached to and projects more than 15 inches from the face of a wall of a building so that the face of the sign is perpendicular or nearly perpendicular to the face of such wall.

.106 *Sign, roof*, means a sign, other than a wall sign or suspended sign, attached to or projecting over the roof of a building.

.107 *Sign, suspended* means a sign suspended from the underside of an awning sign, a canopy sign, a porte cochere, or the roof of a permanently covered walkway or porch.

.108 *Sign, temporary* means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure.

.108:1 *Sign, traffic control*, means a sign solely regulating safe driving, parking, or traffic movement.

.108:2 *Sign, vehicle or trailer*, means a sign attached to or displayed on a vehicle or trailer, if the vehicle or trailer is used for the primary purpose of advertising a business, product, service, or other commercial activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates or inspection sticker, if the vehicle is inoperable, or if the sign alters the standard design of such vehicle or trailer.

.109 *Sign, wall*, means a sign which is painted on or attached to a wall or parapet wall, window or other vertical surface of a building, including the face of a porte cochere, permanently covered walkway or porch, and which sign extends no more than 15 inches from the surface to which it is attached, does not extend beyond the extremities of such surface and the message portion of which is parallel or nearly parallel to the surface to which the sign is attached. For a sign attached to a parapet wall, no portion of the sign may extend more than

four feet above the roofline. Signs attached to the lower plane of a mansard or gambrel roof of a building shall be construed as wall signs, provided that such signs are attached flat to the roof surface or are parallel to the building wall above which they are located and do not extend beyond the extremities of the roof surface to which they are attached.

.109:1 *Sign, window*, means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

.110 *Social service delivery use* means a use which is operated for the purpose of providing directly to persons who are members of a specific client group, as opposed to the general public, one or more services such as counseling, training, medical care, feeding, or similar services, when such use is operated on a not-for-profit basis and when no compensation or greatly reduced compensation is paid by persons receiving such service. The term "social service delivery use" shall not be construed to include uses operated by governmental agencies, facilities for housing of persons, facilities intended for incarceration or alternative sentencing, or facilities primarily for the care or treatment of persons who are currently illegally using or are addicted to a controlled substance as defined in Code of Virginia, § 54.1-3401. An office operated for the purpose of administration of a service agency and not intended for the delivery of a service directly to the client shall not be construed to be a "social service delivery use."

.111 *Specified anatomical areas* means human genitals in a state of sexual arousal.

.112 *Specified sexual activities* means:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

.113 *Story* means the space of a building between successive floor levels of occupiable and habitable space as

determined by application of the Virginia Uniform Statewide Building Code, or between the floor and the top of the unfinished ceiling joists of the uppermost level of occupiable and habitable space as determined by application of the Virginia Uniform Statewide Building Code. A story as defined herein having less than five feet of its height situated above the mean grade level at the building facade along the street frontage of the lot shall not be considered a story for purposes of determining the number of stories in a building located in a district where height regulations are stated in terms of number of stories.

.114 *Story height* means the distance between the floor level of a story of a building and the floor level of the story immediately above or, in the case of the uppermost story of a building, the distance between the floor level and the top of the unfinished ceiling joists.

.115 *Story, street level* means, for purposes of determining application of fenestration requirements, the story (of a building) having its floor elevation closest to the elevation of the adjacent street or any story partially below the elevation of the adjacent street and having five feet or more of its height above the elevation of the street.

.116 *Street* means a public or private thoroughfare which affords the principal means of vehicular access to abutting properties and including the entire area between the street lines.

.117 *Street frontage* means that portion of a lot abutting a street and situated between lot lines intersecting such street. Also referred to as "lot frontage."

.118 *Street line* means the right-of-way of a public street or the boundary line of a private street or access easement.

.118:1 *Street-oriented commercial frontage* means that portion of a lot abutting a street designated as a street-oriented commercial street on the official zoning map established and maintained pursuant to Section 30-200 and situated between lot lines intersecting such street.

.119 *Structural alteration* means any change in the supporting members of a structure, including foundations, bearing walls, bearing partitions, columns, beams or girders, or any change in the supporting members of a roof

of a structure.

.120 *Structure* means anything constructed or erected which has a fixed location on the ground or which is attached to something having a fixed location on the ground.

.121 *Temporary event* means any activity occurring on private property, other than an activity which is otherwise permitted as a principal or accessory use on the property by virtue of the use regulations applicable in the district in which the property is located, when such activity is open to the general public and occurs on no more than a total of four days in any consecutive 12-month period.

.122 *Tourist home* means a building containing not more than ten guestrooms, with or without kitchens and with or without board, intended to be rented for compensation for occupancy by the traveling public and similar transient guests on a daily basis and in which access to individual guestrooms is provided exclusively from within the building, as distinguished from a hotel, motel, lodginghouse, group home, shelter or similar form of housing.

.123 *Transitional site* means a lot or portion thereof located in an RO, HO or B district and situated within 50 feet of and fronting on the same block as property in an R district. A corner site as described shall not be considered a transitional site where one frontage of the site is adjacent to or across an alley from property zoned other than residential and where that frontage is situated along a major, secondary or collector street as designated along a major, secondary or collector street as designated in the City's master plan.

.124 *Travel trailer* means a portable vehicular dwelling on its own chassis intended to be towed by another vehicle and designed for short term occupancy for travel, recreation and vacation use and containing 320 square feet of living space or less, with or without complete kitchen and sanitary facilities. A travel trailer shall be considered a recreational vehicle for the purpose of this chapter.

.125 *Travel trailer park* means a lot on which are located or which is arranged or equipped for the accommodation of two or more travel trailers or other recreational vehicles used for temporary dwelling purposes, with spaces for such available for rent on a daily or longer basis.

.126 *Unenclosed porch* means a covered or uncovered porch which is open to the weather or screened on all sides except where attached to the walls of a building.

.127 *Unit width* means the width of a single-family attached dwelling unit as measured between the side property lines at the front building wall for units attached on both sides, and between the side property line and the exterior face of the opposite outside wall for units attached on one side. When the width of a unit measured at the front building wall varies from the width measured at the rear building wall, unit width shall be determined by the average of the two.

.128 *Usable open space* means that portion of a lot or that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces or patios not covered by enclosed building space.

.129 *Usable open space ratio* means the total square foot amount of usable open space on a lot or on a development site for each square foot of floor area on the lot or on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area.

.130 *Usable roof area* means that portion of the roof of a main building or an accessory building which is open to the sky and which is accessible to occupants of the premises and improved for their leisuretime use.

.131 *Vehicular area* means that portion of a lot which is designated or generally used for the parking or circulation of motor vehicles.

.132 *Wireless communications* means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes commercial wireless telecommunications services licensed by the Federal Communications Commission, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar commercial services that exist or that may be developed.

.133 *Wireless communications antenna array* means one or more rods (whips) that are omnidirectional, panels which are directional, or similar devices used for the transmission or reception of radio frequency (RF) signal.

.134 *Wireless communications facility* means an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for wireless communications purposes, typically consisting of an equipment enclosure or cabinet and one or more antennas mounted on an antenna support structure or alternative antenna support structure. Such facility may include direct links to land-based wired communications infrastructure or may use an accessory microwave relay to transmit signals to another point in the wireless or wired communications network.

.135 *Wireless communications facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a wireless communications facility is installed. Structures which may qualify for consideration as an alternative support structure shall include but not be limited to lattice electric power line support towers, water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

.136 *Wireless communications facility support structure* means a structure designed and constructed specifically to support an antenna array for wireless communications, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

.137 *Yard* means an open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the ground level upward, except as otherwise provided in Section 30-630.9.

.138 *Yard, front* means a yard extending the length of the street frontage of a lot and being the minimum horizontal distance between the street line and the main building.

.139 *Yard, rear* means a yard extending across the rear of a lot between the minimum required side yard lines and being the minimum horizontal distance between the rear lot line and the main building.

.140 *Yard, side* means a yard parallel to the side lot line and extending from the rear of the required front yard or the street line, if no front yard is required, to the rear lot line and being the minimum horizontal distance between the side lot line and the main building. On irregular shaped lots, any yard to which the definitions

contained in this article are not clearly applicable shall be deemed a side yard.

.141 *Yard, street side* means a side yard adjacent to a street.

§ 2. That Chapter 30, Article VI of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** division numbered 14, consisting of sections numbered 30-697 through 30-697.3 as follows:

## **DIVISION 14**

### **SHORT-TERM RENTALS**

#### **Sec. 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.

#### **Sec. 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 any short-term rental shall be limited to five. The number of short-term renters over the age of 18 occupying or present within any short-term rental shall not exceed the lesser of (i) a number equal to two multiplied by the number of sleeping rooms available for short-term rental, or (ii) the maximum number permitted by the most recent edition of the Virginia Uniform Statewide Building Code. For purposes of this subsection, “sleeping room” shall have the meaning given that term by the most recent edition of the Virginia Uniform Statewide Building Code.
- (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) No individual other than a short-term rental operator may operate a short-term rental. For each short-term rental, the corresponding short-term rental operator shall submit a letter to the Zoning Administrator with
  - (i) contact information for the short-term rental operator, including such operator’s name, permanent mailing address, primary contact phone number and, if applicable, an electronic mail address,
  - (ii) an acknowledgement

from the short-term rental operator confirming the operation of the dwelling unit as a short-term rental, and (iii) for condominiums and co-ops, evidence that the condominium or co-op board has approved a request to use the dwelling unit as a short-term rental.

(d) Each short-term rental operator shall provide to the Zoning Administrator and conspicuously post within the short-term rental a floor plan of the layout of the dwelling unit, on which floor plan the short-term rental operator shall label the following:

- (1) the use of each room;
- (2) the occupancy level of sleeping rooms and cooking facilities;
- (3) the location and size of emergency egress and rescue openings; and
- (4) 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 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 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 in accordance with the conditions set forth in Sections 30-1020 through 30-1020.5 of the Code of the City of Richmond (2015), as amended.

(i) The owner of a dwelling unit operated or to be operated as a short-term rental shall obtain a Certificate of Zoning Compliance for such use on a biennial basis. Each Certificate of Zoning Compliance shall be effective 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) All advertisements for any short-term rental shall include the Certificate of Zoning Compliance

approval number for such short-term rental.

(k) Under no circumstances shall the issuance of a Certificate of Zoning Compliance by the Zoning Administrator be construed as abrogating, nullifying or invalidating any other provision of federal, state or local law; any deed covenant or property right; or any property owners' association by-law.

(l) The short-term rental operator shall occupy a dwelling unit on the lot on which the short-term rental operator's short-term rental is located for an aggregate of at least 185 days each calendar year.

(m) No short-term rental operator shall agree to more than one booking transaction during the same period or any portion thereof that results in reservations for two or more separately-booked short-term renters 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, provide, advertise or permit use of a dwelling unit for any commercial use that is prohibited by law.

**Sec. 30-697.2. Short-term rentals located in certain residential zoning districts.**

For 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 and R-48 zoning districts, only one non-illuminated wall sign, not exceeding two square feet, shall be permitted.

**Sec. 30-697.3 Short-term rentals located in certain other zoning districts.**

For all permitted short-term rentals within any zoning district other than those set forth in section 30-697.2, all signs shall conform to applicable regulations of Article V of this chapter.

§ 3. That the Department of Planning and Development Review shall provide a report on the implementation of this ordinance to the City Planning Commission at the first meeting of the City Planning Commission following July 1, 2021.

§ 4. This ordinance shall be in force and effect on July 1, 2020.

**O & R Request**

**DATE:** November 8, 2019

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**THROUGH:** Jay A. Brown, Director of Budget and Strategic Planning

**THROUGH:** John B. Wack, Director of Finance

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** Amendment to the City's Zoning Ordinance for the purpose of permitting and regulating Short-Term Rentals under certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend the official zoning ordinance for the purpose of permitting short-term rentals as an accessory use to residential dwelling units and adding regulations regarding the number of guests in the rental, life safety equipment to be provided, and other regulations to ensure that the short-term rental remains an accessory use to a dwelling unit. The effective date of this amendment shall be July 1, 2020.

**REASON:** Short-term rentals, which are defined in Virginia Code §15.2 983 as a unit offered for a period of fewer than 30 consecutive days, are currently not identified as a permitted use by the City's Zoning Ordinance and are, therefore, prohibited. These rentals are often advertised and processed through online platforms such as Airbnb, FlipKey, HomeAway, and VRBO and include the rental of a whole house or only a room(s) within a house. The Department of Planning and Development Review (PDR) has been working with the Finance Department and the City Attorney's Office in order to establish a new program to regulate and monitor the short term rentals. Staff has been working with the Richmond Regional Tourism Office and PlanRVA to review best practices and discuss the efforts of the surrounding localities. Additionally, staff received public input on the draft zoning regulations from 3/26/19 to 5/31/19. During this timeframe, PDR staff attended Council District meetings in all City Council Districts, hosted two Short-Term Rental Informational Meetings with the Finance Department, and received input via survey, emails, and phone calls. The internal City working group then reviewed the public comment and modified the draft legislation. The proposed regulations are similar to those adopted in other Virginia localities and allow for short term rentals to operate as an accessory use to dwelling units with conditions to ensure the safety of the renters and prevent the use from becoming a nuisance to neighboring properties.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its January 6, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** On June 22, 2015, City Council passed a resolution (Resolution No. 2015- R42-47) directing the Planning Commission to propose changes to the City's Zoning Ordinance that would authorize

short term rentals of residential properties through internet lodging services, and conduct a public hearing on the proposed changes as soon as practical. Staff submitted a preliminary report to City Council and Planning Commission on October 14, 2015, outlining the existing policies and recommendations of regulations for short term rentals.

From 2015-2016, the General Assembly considered potentially limiting or prohibiting local regulation of short term rentals, and therefore, community outreach and discussion on the short term rental report and potential regulations were stopped pending guidance from the General Assembly as to the authority of localities to regulate this use. In 2017, the General Assembly passed SB 1578 which preserved the ability for localities to establish local regulations and allowed for the creation of a registry for short term rentals. In response to this enabling legislation, PDR convened an internal working group of directors and staff from PDR, Finance, and the City Attorney's Office to establish regulations to permit short term rentals under certain terms and conditions. The draft regulations were developed after a review of legislation in other localities and of the current operations of short term rentals in the City of Richmond.

Staff received public input on the draft zoning regulations from 3/26/19 to 5/31/19. During this timeframe, PDR staff attended Council District meetings in all City Council Districts and hosted two Short-Term Rental Informational Meetings with the Finance Department. Approximately 125 people attended the Short-Term Rental Informational Meetings. A survey which asked participants' opinions on the conditions included in the draft zoning ordinance was distributed electronically and on paper at City and civic association meetings. The survey was promoted at the Council District and Short-Term Rental Informational Meetings and through a press release on 4/15/19, emails to all civic association presidents and the Richmond 300 email list, and a short-term rentals webpage. The survey closed on 5/31/19 with 1,206 respondents completing the survey. A copy of the survey questions and a summary of the responses are attached.

The internal working group reviewed the public comment and modified the draft legislation. PDR staff is recommending short term rentals be allowed in dwelling units as an accessory use with the following regulations:

- **Approval Process:** Certificate of Zoning Compliance (CZC) for Short Term Rental is to be obtained on a biennial basis. The Biennial Fee for CZC is to be \$300 which is intended to cover administration and monitoring costs. Staff is recommended the CZC as the registration mechanism as it is an existing administrative process that includes Zoning and Building Inspections.
- **Advertising:** The Certificate of Zoning Compliance approval number shall be posted on all advertisements for the property. Requiring the approval number on advertisements will aid in enforcement.
- **Who can operate a short term rental:** The short term rental shall be the operator's primary residence with the operator occupying the property at least 185 days each year. This limitation reduces speculative use of private residences as hotels, prevents absentee landlords from converting long term rental properties into short term rentals, and limits effects residential neighborhoods. Legislation in Henrico County, Martinsville, Arlington County, and Fairfax County includes this requirement. The short-term rental shall only be operated by the property owner not a tenant.
- **Number of nights a short term rental can operate:** The number of nights a short term rental can operate is not limited by the proposed legislation. The limit on the number of nights of operation has been removed from the draft ordinance because of concerns regarding the ability to enforce this regulation. Staff recommends that the ordinance be revisited after one (1) year of operations to determine if a limit on the number of nights is needed to address any community concerns.
- **Number of persons who can rent per night:** The total number of adult renters allowed in a short term

rental shall be limited to two adults per available sleeping room. Double booking which consists of more than one booking transaction occurring at the same time is not allowed. Limiting the number of adults to two per sleeping room is consistent with the short term rentals in the City of Richmond which have been approved through the Special Use Permit process and the legislation in Henrico County, Arlington County, and Martinsville. The number of children per rental is not limited by this legislation.

- **Number of sleeping rooms available for rental:** The total number of sleeping rooms available for rental is limited to a maximum of 5 sleeping rooms. Single-family dwellings with 5 or less sleeping rooms available for guests are exempt from certain building code fire safety and accessibility requirements. The intent of this limitation is to prevent the short-term rental use from causing a structure to be classified as a use in the building code that results in additional fire safety and accessibility requirements such as sprinklers and handicap ramps.
- **Unhosted vs. Hosted Stays:** This legislation proposes no distinction between hosted and unhosted stays; whole house rentals (unhosted stays) are permitted in all zones as the operator is not required to be on site during the stay. As the proposed legislation requires the operator to be at the property 185 nights per year, the number of unhosted nights is limited to 180 nights. Contact information for the responsible party including a phone number accessible 24 hours per day during any short-term rental shall be provided. The majority of rentals in Richmond are unhosted, and minimal complaints have been received which indicates there is not a need to limit short term rentals to hosted stays. Legislation in Arlington County, Charlottesville, Fairfax County, and Martinsville do not distinguish between hosted and unhosted stays. In localities where a distinction is made (Abingdon, Blacksburg, and Henrico County), unhosted stays either require a more intensive review process or are limited to fewer nights in a year.
- **Signage:** The short term rental is permitted to have signage consistent with the signage allowed for home occupations which consists of one non illuminated wall sign not to exceed two square feet.
- **Safety Requirements:** Smoke detectors shall be present in compliance with the current edition of the Virginia Residential Construction Code. A fire extinguisher shall be present and be accessible at all times. Carbon monoxide detectors shall be present in any room used for sleeping or cooking.
- **Parking:** No additional parking is required for the short-term rental use.
- **Events:** Events and gatherings of persons other than the authorized lodgers are prohibited from occurring at the short-term rental. Staff is recommending this condition as the purpose of a short-term rental as defined by State Code is for lodging not as an event or meeting space.

Changes in local taxation, including the applicability of the City's transient occupancy tax, will be considered separately at a future date by the Department of Finance, potentially to be effective January 1, 2021.

**FISCAL IMPACT / COST:** The zoning changes will result in additional FY2021 costs for PDR as well as additional revenue. The specific amounts will be considered during the development of the FY2021 budget. Staff is recommending a third-party be used for zoning enforcement and initial compliance instead of employing additional 1 to 1.5 full-time equivalents in the Zoning Division. An estimate provided from a third-party compliance monitoring company is approximately \$40,000. The proposed \$300 application fee is intended to cover the cost of reviewing and issuing the permit and the third-party enforcement.

**FISCAL IMPLICATIONS:** Additional recurring revenues can potentially offset the additional administrative costs incurred by PDR.

**BUDGET AMENDMENT NECESSARY:** No, but will affect FY2021 general fund budget.

**REVENUE TO CITY:** Amount TBD in FY2021, will be estimated based on rental listings.

**DESIRED EFFECTIVE DATE:** July 1, 2020

**REQUESTED INTRODUCTION DATE:** December 9, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** January 13, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** City Planning Commission, January 6, 2020

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Planning and Development Review, Department of Finance, Budget & Strategic Planning

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Resolution No. 2015-R42-47

**REQUIRED CHANGES TO WORK PROGRAM(S):** Planning and Development Review will need to approve and issue Certificates of Zoning Compliances for several hundred new short-term rentals.

**ATTACHMENTS:** Draft Ordinance  
Short-Term Rental Survey Questions  
Summary of Public Survey Response

**STAFF:** Mark A. Olinger, Director of Planning and Development Review 646-6305  
Marianne G. Pitts, Management Analyst 646-5207

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: