

APPENDIX A
ZONING ORDINANCE*

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*Editor's note – The zoning ordinance of the city, adopted April 20, 1971, effective July 1, 1971, and revised for annexation June 76, 1972, as from time to time amended, has been included herein as App. A, Arts. 1-35, at the editor's discretion. Sections that have been revised or added by amendment, subsequent to the inclusion of the zoning ordinance as App. A of this volume, are followed by a history note; prior to such inclusion, certain articles of the ordinance had been amended by the following legislation:

| Ordinance Number | Date | Article Amended |
|---------------------|----------|--------------------|
| 6726 | 11-7-72 | 16 |
| 6817 | 5-1-73 | 35 |
| 6831 | 6-5-73 | 10, 13 |
| 6933 | 12-18-73 | 7-A, 12, 27 |
| 6979 | 6-18-74 | 31 |
| 7588 | 3-21-78 | 35 |
| 7685 | 8-1-78 | 36(§§ 1-5) |
| 7854 | 7-17-79 | 27 |
| 8085 | 11-18-80 | 16 |

Cross Reference – Planning commission, § 2-156 et seq.; building regulations Ch. 9; plan and permit for land-disturbing activities, § 12-23 et seq.; floodplain management, Ch. 13.5; sewers and sewage disposal, Ch. 27; streets and sidewalks, Ch. 32; subdivisions, Ch. 33; real estate taxes, § 34-37 et seq.; trailers and trailer camps, Ch. 36; water supply, Ch. 38.

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- Art. 16. "B-3" Central Commercial District Regulations, §§ 1-4
- Art. 17. "M-1" Light Industrial District Regulations, §§ 1-4
- Art. 18. "M-2" Heavy Industrial District Regulations, §§ 1-5
- Art. 18.1. "MXD-1" Mixed Use District, §§ 1-8
- Art. 18.2. "MXD-2" Mixed Use District, §§ 1-8
- Art. 19. Off-Street Parking Regulations, §§ 1-4
- Art. 20. Off-Street Loading Regulations, §§ 1-4
- Art. 21. Sign Regulations, §§ 1-11
- Art. 22. Height, Area and Bulk Requirements, § 1
- Art. 23. Supplementary Use Regulations – Special Uses, §§ 1-5
- Art. 24. Nonconforming Uses, §§ 1-7
- Art. 25. Supplementary Height, Area and Bulk Regulations, §§ 1-3
- Art. 26. "PUD" Planned Unit Development District, §§ 1-6
- Art. 26A. Conditional Zoning, §§ 1-6
- Art. 27. The Board of Zoning Appeals, §§ 1-9
- Art. 28. Changes and Amendments, §§ 1-5
- Art. 29. Newly Annexed Territory, § 1
- Art. 30. Certificate of Occupancy, §§ 1-5
- Art. 31. Permits, Plats and Filing Fees, §§ 1-3
- Art. 32. Interpretation, Purpose and Conflict, § 1
- Art. 33. Enforcement, Violation and Penalties, §§ 1-3
- Art. 34. Validity and Effective Date, §§ 1-3
- Art. 35. Preservation and Historical Areas Within the city, §§ 1-20
- Art. 36. Historic Buildings, §§ 1-5

ARTICLE 1. TITLE

[Section 1. Title.]

This ordinance shall be known as the Petersburg zoning ordinance.

ARTICLE 2. PURPOSE

[Section 1. Regulations and districts established in accordance with comprehensive plan.]

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity and general welfare of the citizens of Petersburg, Virginia, and to provide for efficiency and economy in the process of development, for the appropriate and best use of

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land, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenience distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities, by regulating the location and use of buildings, structures and land for trade, industry, and residence, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use. They have been made with reasonable consideration, naming other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of building and encouraging the most appropriate use of land throughout the City of Petersburg, Virginia.

ARTICLE 3. DEFINITIONS

Section 1. General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory.

(Ord. No. 94-140, 11-15-94)

Section 2. Definitions.

Abattoir. A commercial slaughterhouse.

Accessory building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this ordinance) located on the same lot as the main building or principal use of the land.

Accessory use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this ordinance) on the same lot as the principal use of the premises. When “accessory” is used in the text, it shall have the same meaning as “accessory use.”

Adult book store. A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over eighteen (18) years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult Entertainment Establishment. A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (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 shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films (which term 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 section, 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 of 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.

Adult video store. A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

Alley. A public way which affords only a secondary means of access to property abutting thereon.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

Apartment house. Same as "Dwelling, multiple-family."

Automobile. A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

Automobile self-service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

Automobile service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade.

Bed-and-breakfast inn. A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

Boardinghouse. A building or portion thereof where no more than six (6) rooms, limited to no more than one (1) occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

Breezeway. A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

Building. Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

Buildable width. The width of that part of a lot not included within the open space herein required.

Child-care center. A facility operated for the purpose of providing care, protection and guidance to a group of ten (10) or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, Sections 35-43 through 35-53;
- (2) A public school, unless the Commission of Welfare and Institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

Clinic. An office building or a group of offices for one (1) or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

Conditional zoning. As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Commission. The Planning Commission of the City of Petersburg.

Court. An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

District. Any section of the City of Petersburg within which the zoning regulations are uniform

Drive-in restaurant. A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

Dwelling. Any building, or portion thereof, designed or used for residential purposes.

Dwelling, single-family. A building designed for use, or occupied exclusively, by one (1) family.

Dwelling, two-family. A building designed for, or occupied exclusively, by two (2) families living independently of each other.

Dwelling, multiple-family. A building designed for, or occupied exclusively, by three (3) or more families living independently of each other.

Dwelling, townhouse. One of a series of from three (3) to twelve (12) attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof, and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four (4) or any twelve (12) abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one (1) foot.

Dwelling unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Family. One (1) person, or two (2) or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two (2) boarders; or a number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

Family day-care home. Any private family home in which five (5) to nine (9) children are received for care, protection and guidance during only a part of the twenty-four-hour-day, except children who are related by blood or marriage to the person who maintains the house.

Floor area. The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

Frontage.

- (1) *Street frontage.* All of the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

Garage, private. An accessory building, not exceeding nine hundred (900) square feet in area, designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle[, such vehicle] of not more than two (2) tons capacity.

Garage, storage or parking. A building, or portion thereof, designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

Gasoline service station. Same as automobile self-service station.

Grade.

- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten (10) degrees of being parallel to and not more than fifteen (15) feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the Director of Public Works.

Guesthouse. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

Hospital. A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

Hotel, motel. An establishment primarily engaged in the rental of more than six (6) rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

Loading space. A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

Lodging house. Same as "boardinghouse."

Lot. A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

Lot, area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, depth of. The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

Lot, interior. A lot whose side line or lines do not abut upon any street.

Lot, through. An interior lot having frontage on two (2) streets.

Lot of record. A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

Lot, width. The distance between the side lot lines measured at the required front yard line.

Mini-storage facility, mini-warehouse, or self-storage facility. A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

Mobile home. An industrialized building unit which is eight (8) feet or more in width and thirty-two (32) feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two (2) or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

Mobile home park. Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Mobile home space. A plot of ground within a mobile home park, designed for accommodation for one mobile home.

Mobile home subdivision. Any division of land into three (3) or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

Modular home or unit. An industrialized building assembly or system of building subassemblies, 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, as a finished building or as a part of a finished building, comprising two (2) or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this ordinance, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

Nightclub. An establishment which provides entertainment, including but not limited to live bands, floor shows, comedians, solo artists or dance floor for patrons, stays open after 11:00 p.m., and has a capacity exceeding 100 persons. A restaurant that provides a dance floor for its patrons shall be excluded from this definition, provided, however, that the area devoted to dancing shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater. A private club shall be excluded from this definition, provided attendance is limited to bonafide members of such club and bonafide guests of such members. If admission privileges to a private club are sold or otherwise permitted to the general public at any time, then such club shall be classified as a nightclub and shall conform to all applicable requirements of this ordinance.

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this ordinance, or amendment thereto, which does not conform after the passage of this ordinance, or amendment thereto, with the use regulations of the district in which it is located.

Parking space, off-street. An all-weather surfaced area, not in the street or alley, and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Premises. A lot, together with all buildings and structures thereon.

Private nursery school. A school operated primarily for the educational instruction of children three (3) to five (5) years of age, at which [school] children three (3) or four (4) years of age do not attend in excess of four (4) hours per day and children (5) years of age do not attend in excess of six and one-half (6 ½) hours per day.

Proffer. A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

Rooming house. Same as “boardinghouse.”

Sign. A sign is any structure, or part thereof, or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of, an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

Sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof, shall be included in the sign area.

Sign, flashing. Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

Sign, illuminated. Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

Specified anatomical area. As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

Stand-alone used vehicle sales. A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

Stand-alone vehicle repair shop. A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or frame work performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A space under a sloping roof at the top of a building, the floor of which is not more than two (2) feet below the plate, shall be counted as a half-story when not more than sixty (60) percent of said floor area is used for rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

Structural alterations. Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist court, auto court. Same as "motel."

Tractor-trailer. A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

Tractor-trailer service station or truck stop. Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

Trailer park, auto trailer camp or mobile home court. That area of land on which two (2) or more trailers or mobile homes being used for living purposes are parked.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed forty-five hundred (4,500) pounds; or being of any length provided its overall length does not exceed thirty-two (32) feet.

Truck. A vehicle with a gross weight of more than five tons.

Vehicle demolisher. Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

Vehicle rebuilder. Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

Vehicle removal operator. Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

Vehicle salvage dealer. Any person who acquires any vehicle for the purpose of reselling any parts thereof.

Vehicle tow lot or storage lot. The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of thirty (30) days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of ninety (90) days. Maximum storage times shall be extended up to six (6) months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Yard, front. A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof, other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, side. A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

ARTICLE 4. GENERAL PROVISIONS, DISTRICTS AND DISTRICT MAPS

Section 1. [Districts established.]

In order to regulate and redistrict the location of trades and industries, and the location of buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings; the City of Petersburg is hereby divided into districts, of which there shall be nineteen (19) in number, known as:

| | |
|---------|-----------------------------------|
| “A” | Agricultural District |
| “R-1A” | Single-Family Residence District |
| “R-1” | Single-Family Residence District |
| “R-2” | Single-Family Residence District |
| “RMH” | Residential Mobile Homes District |
| “R-3” | Two-Family Residence District |
| “R-4” | Multiple Dwelling District |
| “R-5” | Multiple Dwelling District |
| “R-6” | High Rise District |
| “RTH” | Residential Town House District |
| “RB” | Office-Apartment District |
| “B-1” | Shopping Center District |
| “B-2” | General Commercial District |
| “B-3” | Central Commercial District |
| “M-1” | Light Industrial District |
| “M-2” | Heavy Industrial District |
| “MXD-1” | Mixed Use District |
| “MXD-2” | Mixed Use District |
| “PUD” | Planned Unit Development District |

Editor’s note – This section has been updated, at the editor’s discretion, to reflect the current number of zoning districts and to list the “MXD-1” and MXD-2” districts established by Ord. No. 82-111, enacted Dec. 7, 1982.

Section 2. [Zoning maps incorporated.]

Such land, and the district classification thereof, shall be shown on the map designated as the “Zoning District Map of Petersburg,

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Virginia,” dated and signed by the mayor and the city clerk of Petersburg upon adoption. This zoning district map, and all notations, dimensions, references and symbols shown thereon pertaining to such districts, shall be as much a part of this ordinance as if

fully described herein and shall be filed as part of this ordinance by the clerk of the City of Petersburg. Said map shall be available for public inspection in the office of the city clerk, and any later alterations of this map, adopted by amendment as provided in this ordinance, shall be similarly dated, filed and made available for public reference.

Section 3. [Publication of zoning district designations; availability of copies of map.]

The city shall cause to be published, no later than ninety (90) days following adoption of this ordinance, the official zoning district names and designations for the City of Petersburg. In each calendar year thereafter, if there have been any changes in the permitted uses, zoning district boundaries, zoning regulations and classifications in the preceding year, such map shall also be published no later than March 31, reflecting all such changes as of December 31 of the preceding year.

Any person desiring a copy of said official zoning district map or a copy of official zoning ordinance shall pay one dollar (\$1.00) for each map or ten dollars (\$10.00) for each ordinance, to the appropriate city official. Upon written request, all future amendments shall be furnished at cost of printing.

Section 4. Interpretation of district boundaries.

(1) A district name or letter-number combination shown on the district maps indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the municipality bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this section.

(2) Where uncertainty exists with respect to the boundaries of the various districts as shown on the accompanying map and made a part of this ordinance, the following rules shall apply:

- (a) In cases where a boundary line is given a position within a street or alley or nonnavigable stream, it shall be deemed to be in the center of the street, alley or stream and if the actual

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location of such street, alley or stream varies slightly from the location as shown on the district map, then the actual location shall control.

- (b) In cases where a boundary line is shown as being located in specific distance from a street line or other physical feature, this distance shall control.
- (c) In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way, and distances measured from a railroad shall be measured from the center of the designated track.
- (d) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts, unless said boundaries are otherwise indicated on the map or by ordinance.

Section 4.1. [Uses to conform to district regulations; exceptions.]

Except as hereinafter provided:

- (1) No land may be used except for a purpose permitted in the district in which it is located.
- (2) No buildings shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building, or part thereof, be used, except for a use permitted in the district in which the building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- (4) No building shall be erected, enlarged or structurally altered to the extent of increasing the floor area by fifty (50) per cent or more, except in conformity with the off-street parking and loading regulations of the district in which the building is located.

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- (5) No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the floor-lot ratio regulations of the district in which it is located.
- (6) The minimum yards, parking space and open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of the passage of this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building; nor shall any lot area be reduced below the requirements of this ordinance.
- (7) Every building hereafter erected or structurally altered shall be located on a lot, as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.

ARTICLE 4 – A. “A” AGRICULTURAL DISTRICT REGULATIONS

Section 1. Purpose.

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “A” Agricultural District. The purpose of this district is to provide for the orderly growth and development of relatively large parcels of undeveloped land, and the protection of activities generally considered rural in nature, i.e., crop, dairy or tree farming, the raising of cattle and poultry, and other activities normally compatible with rural or agricultural surroundings.

Section 2. Use regulations.

Any building to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Accessory buildings for residential purposes, as defined, the rear yards only; however, garages or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any party lot line. Accessory buildings and uses customarily incident

to any use permitted by this section, such as servants quarters, greenhouses, and workshop; provided, that none shall be conducted for gain; provided, further, accessory buildings shall not exceed thirty (30) percent of the area of the rear yard; provided, still further, that any accessory building to be erected containing an area in excess of one thousand (1,000) square feet shall be referred to the city planning commission, which commission shall make its recommendations to the council. Prior to the recommendation thereof, the planning commission shall give notice and hold a public hearing on such use, after notice is required by article 28 of this ordinance. The council shall likewise hold a public hearing after proper notice, before making its determination as to whether the property can or cannot be used for such purposes.

- (3) Public and nonprofit organizations uses, such as game preserves, playgrounds and parks.
- (4) Community clubs and community-operated playgrounds, parks and nonprofit little theater operations, and similar recreational facilities, including golf courses.
- (5) Agriculture, including accessory buildings and uses incidental thereto.
- (6) The raising of cattle and/or poultry.
- (7) Commercial forestry operations in the nature of tree farms, not including sawmills.
- (8) Public utilities, and poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision of maintenance of public utilities, as provided in article 23.
- (9) The location and occupancy of a single mobile home; provided, that the following conditions are met:
 - (a) That the parcel which the mobile home is to occupy is located entirely within an area zoned as agricultural ("A");
 - (b) That a property owner residing on the premises in a permanent home wishes to place said mobile home on

this property in order to maintain his or her immediate family or full-time agricultural employee. Immediate family shall be defined as lineal relatives of the applicant and his brothers or sisters;

- (c) That the mobile home and its site satisfy all sanitary and structural requirements deemed applicable by the city building inspector and the state health department;
- (d) That the mobile home has received a conditional use permit from the board of zoning appeals.

Section 3. Sign regulations.

In agricultural district, sign regulations shall conform to article 21 of this ordinance.

Section 4. Area, frontage and width regulations.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the state health department. The city council may require a greater area, if considered necessary by the state health department.

Section 5. Setback regulations.

Buildings shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty-five (55) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the “setback line”; provided, no building shall be required to setback a distance greater than the setback line reserved by the one (of two (2) existing buildings on the immediately adjoining lots on either side) which is the further removed from the street. Also see article 25, Supplementary height, area and bulk regulations, section 3.3.

Section 6. Yard regulations.

In open spaces, the yard regulations shall be as follows:

- (1) *Side:* The minimum side yard shall be ten (10) per cent, and the total width of the two (2) required side yards shall be the total of the side yard widths is more than thirty (30) feet, one of such side yards need not be more than ten (10) feet in width.

- (2) *Rear*: Each main building shall have a minimum rear yard of thirty (30) feet.

Section 7. Height regulations.

In open spaces, the height regulations shall be as follows: Buildings may be erected up to forty-five (45) feet in height from grade, except that church spires, belfries, cupolas, monuments, water towers, silos, chimneys and flues are exempt. Parapet walls may be erected up to four (4) feet above the height of the building on which the walls are constructed.

Section 8. Parking regulations.

Parking regulations shall conform to article 19 of this ordinance.

Section 9. Special requirements.

(1) No subdivision development shall be permitted in areas zoned agricultural. Any area sought to be subdivided, that is presently zoned agricultural, shall first be rezoned to a residential classification.

(2) Any area* to be classified as agricultural shall contain a minimum contiguous acreage of eight (8) acres.

**ARTICLE 5. "R-1A" SINGLE-FAMILY RESIDENCE
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "R-1A" Single-Family Residence District. The purpose of this district is to provide for single-family residential development of relatively more spacious character, generally in outlying areas, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or area normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs; including temporary stands for seasonal sales of products raised on the premises; but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures, to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises;
- (2) Single-family dwellings;
- (3) Churches and parish halls, temples, convents and monasteries;
- (4) Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning;
- (4.1) Private nursery school.

*"Area" is defined here as one or more contiguous parcels, or parts thereof, falling under the same zoning classification district.

- (5) Home occupations;
- (6) Nonprofit libraries or museums and art galleries;
- (7) Public parks, playgrounds, golf courses (except miniature golf courses, putting greens, driving ranges and similar activities operated as a business); nonprofit, nongovernmental public recreation and community buildings;
- (8) Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers and fueling, sanding and watering stations;
- (9) Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner;
- (10) Accessory building and uses including, but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbeque grills, customary church bulletin boards or identification signs not exceeding sixteen (16) square feet in area for permitted public and semipublic uses, accessory storage, and accessory off-street parking and loading spaces. (Ord. No. 82-99, 11-16-82)

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Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, which chart, and all notifications and requirements shown therein, shall be a part of this ordinance and have the same force and effect as if all the notifications and requirements set forth therein were fully set forth or described therein.

Section 4. Off-street parking regulations.

The parking regulations for permitted uses are contained in article 19.

Section 5. Off-street loading regulations.

The off-street loading regulations for permitted uses are contained in article 20.

Section 6. Supplementary use regulations.

Supplementary use regulations are contained in article 23.

Section 7. Supplementary height, area and bulk regulations.

Supplementary height, area and bulk regulations are contained in article 25.

ARTICLE 6. “R-1” SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-1” Single-Family Residence District. The purpose of this district is to provide for single-family residential development of relatively spacious character, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of high character, and contains vacant land considered appropriate for such development in the future.

Section 2. Use regulations.

The use regulations are the same as those in “R-1A” Single-Family Residence District.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

**ARTICLE 7. “R-2” SINGLE-FAMILY RESIDENCE
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-21” Single-Family Residence District. The purpose of this district is to improve for single-family residential facilities and accessory uses, as may be necessary, or are normally compatible with residential surroundings. The district is located to protect existing development of this character, and contains vacant land considered appropriate for such development in the future.

Section 2. Use regulations.

The use regulations are the same as those contained in the “R-1A” Single-Family Residence District.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

**ARTICLE 7-A. "RMH" RESIDENTIAL MOBILE HOMES
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The purpose of this district is to provide for well-designed mobile home parks or subdivisions, and to establish basic standards which will determine the character of this land use and its effect on surrounding properties. Single-family residential development is permitted as an alternative to mobile home park use.

Section 2. Permitted uses.

A building, or land, shall be used only for the following purposes:

- (1) Any use permitted in the "R-1" Single-Family Residential District, subject to the lot size, yard, height and other requirements of that district.
- (2) Mobile homes subdivision, subject to the lot size, yard, height and other requirements of the "R-1" Single-Family Residential District, and the subdivision ordinance of the City of Petersburg.
- (3) Mobile home park, provided:
 - (a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation;
 - (b) That the number and location of access drives shall be subject to approval by the traffic commission, and controlled for traffic safety and protection of surrounding properties; that no mobile home space shall be designed for direct access to a street outside the boundaries of the park; and that the interior access drives shall be properly lighted and at least fifty (50) feet in width, hard surfaced and maintained at least twenty-four (24) feet in width in accordance with applicable state highway specifications and ordinances;
 - (c) That the topography of the site be such as to facilitate rapid drainage, and that adequate drainage facilities be provided;

- (d) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet. The minimum total area of the park shall be ten (10) acres. Any extension of an existing park must bring the total area to [at least] ten (10) acres;
 - (e) All utility lines shall be underground, including electrical wiring, cable television and telephone lines;
 - (f) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway, and at least twenty-five (25) feet wide along all other lot lines or street frontage;
 - (g) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to the approval of, and inspection by, the public works department, department of inspections, and the state health department, and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park;
 - (h) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.
- (4) No existing mobile home park shall be enlarged or extended, unless the area to be enlarged or extended is made to conform to all requirements for a new mobile home park, and until recommended approval by the traffic commission and the planning commission.

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Section 3. Permitted accessory uses.

(1) For uses permitted in the “R-1” Single-Family District, those accessory uses are also permitted in the “RMH” Residential Mobile Home District.

(2) For individual mobile home spaces, one awning or porch and one storage building; provided that all the materials and construction methods are acceptable and are in accordance with sound building practices; and that the finished product does not extend to closer than five (5) feet of the boundaries of the individual mobile home space.

(3) For the mobile home park, buildings used for management headquarters, recreational facilities, community building, toilets, showers, coin-operated laundry facilities and vending machines, and other uses and structures customarily incidental to operation of a mobile home park, are authorized, provided:

- (a) Such establishments and parking areas primarily related to their operations shall not occupy more than ten (10) per cent of the area of the park;
- (b) Such establishments shall be restricted in their use primarily to occupants of the park;
- (c) Such establishments shall present no visible evidence of their commercial character which would attract customers primarily other than occupants of the park.

Section 4. Permitted signs.

The following nonilluminated or indirectly illuminated signs are permitted, subject to the general sign regulations of article 21:

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- (1) Any sign permitted in the “R-1” Single-Family Residential District;
- (2) A sign limited in area to thirty-two (32) square feet, giving the name and/or address or management of a mobile home park.

Section 5. Conditional uses.

The following uses may be permitted as conditional uses, if approved by the city council, in accordance with the procedures, guides and standards of article 23:

- (1) Any conditional use permitted in the “R-1” Single-Family Residential District.

Section 6. Uses permitted as special exceptions.

The following uses may be permitted as special exceptions, if approved by the board of zoning appeals, in accordance with the procedures, guides and standards of article 27:

- (1) Any special exception permitted in the “R-1” Single-Family Residential District.

Section 7. Lot size requirements.

(1) For uses permitted in the “R-1” Single-Family Residential District, the lot size requirements are the same as for that district.

(2) In a mobile home subdivision, the lot size requirements are the same as in the “R-1” Single-Family Residential District.

(3) In a mobile home park:

- (a) The minimum area for a mobile home site for parking one mobile home shall be four thousand (4,000) square feet, with no width less than forty (40) feet, and with corners of each site visibly marked and numbered by a permanent marker. The width of the site shall be measured perpendicular to the side lot line. No more than one mobile home shall be parked on any one site.
- (b) In addition to the requirement of subsection (a) above, an open space, or spaces, accessible to all mobile home occupants and suitable for use as a

Recreational land area shall be provided within the mobile home park, at a ratio of a minimum of one hundred (100) square feet of recreational area per mobile home space in such park, provided that no recreation area shall contain less than five thousand (5,000) square feet.

Section 8. Yard requirements.

(1) For uses permitted in the "R-1" Single-Family Residential District, the yard requirements are the same as for that district.

(2) In a mobile home subdivision, the yard requirements are the same as the "R-1" Single-Family Residential District.

(3) In a mobile home park, no mobile home shall be parked closer than fifteen (15) feet to another mobile home or service building, and no part of a mobile home shall extend closer than seven and one-half (7 ½) feet to the boundaries of the individual mobile home site. There shall be a minimum setback of fifteen (15) feet from the front service street.

Section 9. Height requirements.

(1) Single-family dwellings and all other structures except mobile homes and those specifically exempted in article 23, maximum height, two and one-half (2 ½) stories, but not to exceed thirty-five (35) feet.

(2) Mobile homes, park or subdivision, maximum height, fifteen (15) feet.

Section 10. Off-street parking and loading requirements.

(1) At least one off-street parking space shall be provided on each mobile home site in a mobile home park and, in addition, off-street parking spaces for automobiles shall be provided in the ratio of one-half (1/2) space per mobile home, in locations convenient to groups of homes. No parking shall be permitted on the street.

(2) Additional off-street parking and loading requirements are contained in article 23.

ARTICLE 8. “R-3” TWO-FAMILY RESIDENCE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-3” Two-Family Residence District. The purpose of this district is to maintain a generally spacious residential environment, but at the same time permit a variety of housing types. Population density and height of buildings are low enough to be compatible with neighboring single-family development. Permitted community facilities are the same as for the one-family districts.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “R-1A” Single-Family Residence District;
- (2) Institutions of an educational or religious nature;
- (3) Two-family dwellings

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 9. “R-4” MULTIPLE DWELLING DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-4” Multiple Dwelling District. This district provides for medium-density, multiple-family residence, and is usable for construction of garden-type apartments in appropriate locations.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “R-1A” Single-Family Residence District;
- (2) Two-family dwelling;
- (3) Multiple-family dwelling or group of dwellings designed to be operated as a unit by an individual, partnership, corporation or cooperative;
- (4) Off-street parking of private automobiles in connection with any use permitted in this section.

Section 3. Height, area and bulk regulations.

The height, area and bulk requirements shall be as set forth in the chart of article 22 of this ordinance.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

**ARTICLE 10. “R-5” MULTIPLE DWELLING
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-5” Multiple Dwelling District. This district provides for the highest density multiple-family residence, either in new construction or for conversion of existing dwellings to apartments, in older sections of the city.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “R-1” Two-Family Residence District and the “R-3” Two-Family Residence District;
- (2) Multiple-family dwellings;
- (3) Private clubs, fraternities, sororities, and lodges excepting those the chief activity of which is a service customarily carried on as a business;
- (4) Parking areas (Ground level);
- (5) Accessory buildings and uses not otherwise prohibited in this section;
- (6) Nonprofit religious, educational and philanthropic institutions.

Section 3. Height, area and bulk regulations.

The height, area and bulk requirements shall be as set forth in the chart of article 22 of this ordinance; except:

- (1) Requirements for lot area per family shall not apply to dormitories, fraternities or sororities where no cooking facilities are provided in individual rooms or apartments.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

Article 19, Off-street parking regulations, except that required off-street parking shall be provided in the rear of such buildings or in the portion of the side yards except adjacent to a street, if a corner lot, lying to the rear of extensions of the front line of such building;

Article 20, Off-street loading regulations;

Article 23, Supplementary use regulations;

Article 25, Supplementary height, area and bulk regulations.

ARTICLE 11. "R-6" HIGH RISE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations governing the use of buildings or premises in the "R-6" High Rise District.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "RB" Office Apartment Districts set out in article 13 of this ordinance;
- (2) Incidental uses in multiple dwellings and office buildings for the convenience of the occupants thereof, including restaurants, beauty parlors, and barbershops; provided, that there is no advertising sign, no show window, or no entrance to such place of business, except from the inside of the building;
- (3) Not more than two (2) individual signs or nameplates having a total area of five (5) square feet or less shall be permitted on any one building. Such signs shall be attached flat against the building wall or on an awning or canopy affixed to the front of the building, but there shall be no illuminated sign nor any display or other form of advertisement.

Section 3. Height, area and bulk regulations.

(1) *Height.* No building shall exceed one hundred fifty (15) feet in height.

(2) *Front yard.* There shall be a front yard having a depth of not less than fifteen (15) feet; provided, that no building or part thereof shall penetrate an inclined plane rising from the street line and extending over the lot at an inclination of one foot horizontal for each four (4) feet vertical.

(3) *Side yard.*

(a) Buildings used exclusively for non residential purposes, with a height of three (3) stories or less, are not required to provide side yards;

(b) Buildings used, wholly or in part, for residential purposes, with a height of three (3) stories or less, shall have a side yard as required in the “R-5” Multiple Dwelling District;

(c) Buildings more than three (3) stories in height shall have a sideyard on each side of the building of ten (10) feet for the first three (3) stories. All parts of the building above the third story shall be set back a minimum of one foot for each story above the third; except, that no setback shall be required above the third story along the side street of a corner lot.

(4) *Rear yard.* Except as provided in article 23 of this ordinance, there shall be a rear yard having a depth of not less than twenty (20) feet.

(5) *Unobstructed open space.* Buildings more than three (3) stories in height shall cover not more than fifty (50) per cent of the area.

(6) *Floor area.*

(a) The maximum permitted floor area, as hereinafter defined, shall not exceed seven (7) times the lot area upon which the building is constructed.

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(b) The floor area of a building, or buildings, is the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls. In calculating floor area, the following need not be included.

1. Uncovered steps;
2. Attic space providing structural head room of less than seven (7) feet, six (6) inches;
3. Terraces, breezeways, porte cocheres and open porches;
4. Enclosed automobile parking space provided for the use of occupants of the building, in basements, or lower stories of the building;
5. Basement or ground floor areas used for storage or the housing of mechanical equipment;
6. Areas of penthouse for the housing of elevator machinery, cooling tanks or similar equipment.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

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ARTICLE 12. “RTH” RESIDENTIAL TOWN HOUSE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “RTH” Residential Town House District.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “R-1A” Single-Family Residence District;
- (2) Town houses for sale;
- (3) Swimming pools, recreational and athletic facilities, community buildings and other similar related improvements for the common use of occupants of the development, and their guests.

Section 3. Height, area and bulk regulations.

The height, area and bulk requirements shall be as set forth in the chart of article 22 of this ordinance, especially the following:

- (1) *Area and density.* The area and density of development of town houses for sale shall not exceed twenty (20) units per acre;
- (2) *Frontage.*
 - (a) A minimum lot frontage, measured at the setback line, of fifteen (15) feet shall be provided;
 - (b) All town house units, except end units and those on corner lots, shall occupy the full width of the lot on which they are constructed;
 - (c) Town house lots may front on a dedicated street or public access easements containing roadways, walkways or both;
- (3) *Front yards.* The front yard setback for town houses shall be a minimum of fifteen (15) feet from project drives and walkways, twenty-five (25) feet minimum from secondary residential streets, and thirty-five (35) feet from all other streets;
- (4) *Side yards.* Town houses on ends of groups shall have a minimum side yard of fifteen (15) feet, and for town houses at corners, the side yard shall be a minimum of twenty (20) feet;

(5) *Rear yards.* Town houses shall have a minimum rear yard of thirty (30) feet;

(6) *Building height.* Town houses shall have a maximum building height of thirty-five (35) feet.

Section 4. Off-street parking regulations.

There shall be a minimum of two (2) off-street parking spaces provided for each dwelling unit in the town house development. Required parking shall be provided on individual lots, or within common parking areas, or along common drives, or on internal dedicated streets. If parking is provided in front or rear yards, each space shall be at least twenty (20) feet in depth, and located in such manner that no part of any parked vehicles will extend over the property line.

Section 5. Architectural treatment.

There shall be at least three (3), but no more than twelve (12) town house dwelling units continuously connected. If streets, drives or walkways do not intervene, there shall be an open space of at least thirty (30) feet between [one series of town houses and] the next series of town house units.

Not more than four (4) abutting town houses shall have the same, or essentially the same, architectural facades and treatment of facing materials, and not more than three (3) abutting town houses shall have the same front and rear setbacks. Such variations may be achieved by variations in colors, material textures or sculptural effect. Minimum setback offset shall be one foot.

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Section 6. Party wall.

A party wall shall separate each town house unit, and have a minimum nominal thickness of eight (8) inches, and be constructed of noncombustible material, and said wall shall be carried tightly to the underside of the roof construction.

Section 7. Accessory buildings.

Accessory buildings may be located in rear yards only, and shall not occupy over twenty-five (25) percent thereof, and shall be located not less than eight (8) feet from a rear lot line, nor closer than three (3) feet to a side lot line.

Section 8. Common areas.

In the event common areas are provided, which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the town house development, until such time as the developer-owner conveys such areas to a nonprofit corporate owner, whose members shall be all of the individual owners of town houses in the town house development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner of the individual town house lots in the town house development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the city attorney of the City of Petersburg, Virginia, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual town house lots, inferior in lien and dignity only to taxes and bonafide duly recorded first deeds of trust on each town house lot.

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**ARTICLE 13. "RB" OFFICE-APARTMENT
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "RB" Office-Apartment District. This district is intended to encourage office development of high character, in attractive surroundings, with types of uses and exterior indication of these uses so controlled as to be generally compatible with single-family or multiple-family dwellings, conveniently located within or adjacent to the district.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "R-5" Multiple Dwelling District;
- (2) Business and professional offices, and office buildings and research laboratories; provided however, that there shall be no advertising sign or device on the lot, on the building, or in or on any of the exterior doors or windows of the building, except for each business or professional office occupying the building, there may be one advertising sign not exceeding two (2) square feet in area attached to the exterior of the building; that no building may be constructed with, or altered to produce a store front, show window or display window; there shall be no display from windows or doors and no storage of merchandise in the building or on the premises; there shall be no machinery or equipment, other than machinery or equipment customarily found in professional or business offices, used or stored in the building or on the lot; that required off-street parking shall be provided in the rear of such buildings or in the portion of the side yards, except adjacent to a street, if a corner lot, lying to the rear of extensions of the front line of such building.
- (3) Clinics, including a pharmacist's shop for dispensing of drugs and medical supplies primarily to patients or occupants of the building; provided, however, there shall be no entrance to such shop except from inside the building; and further provided, that there be no exterior signs advertising such shop, except as provided in subsection (2) above;

- (2) Business and professional offices, and office buildings and research laboratories; provided however, that there shall be no advertising sign or device on the lot, on the building, or in or on any of the exterior doors or windows of the building, except for each business or professional office occupying the building, there may be one advertising sign not exceeding two (2) square feet in area attached to the exterior of the building; that no building may be constructed with, or altered to produce a store front, show window or display window; there shall be no display from windows or doors and no storage of merchandise in the building or on the premises; there shall be no machinery or equipment, other than machinery or equipment customarily found in professional or business offices, used or stored in the building or on the lot; that required off-street parking shall be provided in the rear of such buildings or in the portion of the side yards, except adjacent to a street, if a corner lot, lying to the rear of extensions of the front line of such building.
- (3) Clinics, including a pharmacist's shop for dispensing of drugs and medical supplies primarily to patients or occupants of the building; provided, however, there shall be no entrance to such shop except from inside the building; and further provided, that there be no exterior signs advertising such shop, except as provided in subsection (2) above;
- (4) Studio for an artist, photographer, sculptor, or musician, including teaching of art, music, dancing, or other artistic instructions; provided, however, that there shall be no advertising sign or device on the lot, or on the building, or in or on any of the doors or windows of the building, except for each permitted use occupying the building, there may be one advertising sign not exceeding two square feet in area attached to the exterior of the building. No building may be constructed or altered to produce a store front, show window or display window; there shall be no display from windows or doors and no storage of merchandise in the building or on the premises; no machinery or equipment other than machinery or equipment customarily accessory to permitted uses; and further provided, that there shall be created no adverse effect on adjacent or neighborhood properties by reason of dust, odor, vibration, glare or noise;
- (5) Accessory buildings and uses not otherwise prohibited in this section.

Section 3. Height, area and bulk regulations.

The height, area and bulk requirements will be as set forth in the chart of article 222, except as follows:

- (1) Requirements for lot area per family shall no apply to dormitories, fraternities or sororities, where no cooking facilities are provided in individual rooms or apartments.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 14. “B-1” SHOPPING CENTER DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations of the “B-1” Shopping Center District. The purpose of this district is to provide for attractive and efficient retail shopping facilities of integrated design, in appropriate locations to serve residential neighborhoods. It is intended that the district shall be laid out and developed as a unit, according to an approved plan, so that the purpose of the district may be accomplished.

Section 2. Use regulations.

A building or premises may be used only for the following purposes:

- (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section and ordinarily accepted as shopping center uses;
- (2) Uses permitted in the project area, according to the residential district regulations in force prior to the establishment of

Section 5. Special conditions.

The plan for the shopping center district shall show the requirements set forth in this article and shall include the width of right-of-way, and pavement of existing streets; the district shall be developed according to those requirements. In addition, it is hereby specified and required that:

- (1) The aggregate plan area of all buildings proposed shall not exceed thirty (30) per cent of the entire lot area of the project; all buildings shall be set back not less than thirty (30) feet from all street lines adjoining the shopping center site;
- (2) Off-street parking spaces shall be provided in the ration of at least one parking space for each two hundred (200) square feet of floor area, in the building of the shopping center;
- (3) Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive, or extend into any other public or private drive or street used for traffic circulation;
- (4) The drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting applicable specifications of the director of public works;
- (5) Any part of the project area not used for buildings or other structures, loading and access-ways shall be landscaped with grass, trees, shrubs or pedestrian walks;
- (6) The shopping center buildings shall be designed and built as a whole, unified and single project; but may, however, be built in stages, in accordance with a construction timing schedule approved by the city council. If there is not substantial compliance with the approved schedule, the city council may, after expiration of a period of three (3) years from the date of final approval of the district in question, study conditions and changes of conditions in the area, and after report by the commission, the city council may, by ordinance, reduce the size or eliminate the district from the district map.

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ARTICLE 14. "B-1" SHOPPING CENTER DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations of the "B-1" Shopping Center District. The purpose of this district is to provide for attractive and efficient retail shopping facilities of integrated design, in appropriate locations to serve residential neighborhoods. It is intended that the district shall be laid out and developed as a unit, according to an approved plan, so that the purpose of the district may be accomplished.

Section 2. Use regulations.

A building or premises may be used only for the following purposes:

- (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section and ordinarily accepted as shopping center uses;
- (2) Uses permitted in the project area, according to the residential district regulations in force prior to the establishment of the shopping center district on the tract in question as the only alternative in case the district is not used for the purpose for which it was especially intended, namely a shopping center.

Section 3. Ownership control.

In order that the purpose of this district shall be realized, the land and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or they shall be subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of this ordinance relating to "B-1" Shopping Center Districts.

Section 4. Procedure.

The owner or owners of any tract of land comprising an area of not less than two (2) acres may submit a plan for the use and development of all or part of the tract for the purposes of, and meeting the requirements set forth in this article, as a separate proposal or as a part of a planned unit development as set forth in article 26. Public hearings shall be held in accordance with procedures in article 28. Any recommendations from the commission to the city council shall be accompanied by a report, stating the reasons for such recommendation and whether the application meets the requirements of the "B-1" Shopping Center District, as set forth in this article.

Section 6. Additional requirements by the commission.

Before recommending approval of a shopping center district, the commission may make reasonable additional requirements as to utilities, drainage, landscaping, lighting, signs and advertising devices, screening, accessways, curb cuts, traffic control, height of buildings, to protect adjoining residentially zoned lots or residential uses. The plans for the district shall be amended in accordance with these requirements, before being submitted to the city council. If required by the city council, a surety bond shall be filed for, or deposited in escrow with the city, in a sum sufficient to insure completion of special requirements, as may be imposed by the council.

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**ARTICLE 15. "B-2" GENERAL COMMERCIAL
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "B-2" General Commercial District. The purpose of this district is to provide sufficient space in inappropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing. (Ord. No. 94-140, 11-15-94)

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "B-1" Shopping Center District and "RB" Office-Apartment District;
- (2) Amusement place in an enclosed building, auditorium or theater, except open air drive-in theaters;
- (3) Athletic field or baseball field;
- (4) Bottling works; dyeing and cleaning works or laundry; plumbing and heating shop; painting shop; upholstering shop, not involving furniture manufacture; tinsmithing shop; tire sales and service, including vulcanizing, but no manufacturing; appliance repairs; and general service and repair establishments similar in character to those listed in this item; provided, that no outside storage of material is permitted; and further provided, that no use permitted in this item shall occupy more than six thousand (6,000) square feet of floor area;

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- (5) Bowling alleys and billiard parlors;
- (6) Food storage lockers;
- (7) Hotels, motels, and motor hotels containing forty-five or more units only;
- (8) Outdoor advertising structure or sign. Any sign or display in excess of one hundred (100) square feet in area shall be attached flat against a wall of a building.
- (9) Bus terminals;
- (10) Printing, publishing, and engraving;
- (11) Stone yard or monumental works located within three hundred (300) feet of a cemetery;
- (12) Accessory buildings and uses;
- (13) Family day care home;
- (14) Child care center;
- (15) Private nursery school;
- (16) Adult book store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater or adult video store;
- (17) Adult entertainment establishment, provided that the property devoted to such use shall not be situated within five hundred (500) feet of any property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (18) Adult motion picture theater, provided that; the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of

any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;

- (19) Adult video store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate, or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store.

Notwithstanding any other provisions of the Petersburg Zoning Ordinance, a building or premises may be used for an adult book store, and adult entertainment establishment, and adult motion picture theater, or an adult video store, as restricted and limited by this section, only in the "B-2" General Commercial District with the issuance of a Special Use Permit and in no other zoning district established by the Petersburg Zoning Ordinance.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition, the following regulations shall apply:

- (1) There shall be a side yard not less than five (5) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district. Existing alley at rear will eliminate this requirement;
- (3) The lot area requirements for dwellings are the same as those in the "R-5" Multiple Dwelling District.

Section 4. Reference to additional regulations.

The regulations contained to this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 16. “B-3” CENTRAL COMMERCIAL DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “B-3” Central Commercial District. This district encompasses the shopping and office core of the central business district. Appropriate uses are the same as for the “B-2” General Commercial District, but with altered off-street parking requirements, in recognition of the practical difficulty of providing off-street parking for smaller establishments, and because of the relatively small area included in the district, all points being within convenient walking distance of the boundaries beyond which additional off-street parking should be provided.

Section 2. Use regulations.

The use regulations for the “B-3” Central Commercial District are as follows:

- (1) Any use allowed in the “B-2” General Commercial District;
- (2) The manufacture of plastic lenses, subject to the parking requirements of article 19;
- (3) The fabrication of soft goods from materials not manufactured on the premises; provided, that the portion of the building adjacent to a public street retain a commercial character, so as not to cause the interruption of the commercial frontage in the district, and that all loading of fabricated goods and materials not manufactured on the premises be restricted to loading areas at the rear of the building, and as prescribed under article 20 of this ordinance.

Section 3. Height and area.

Height and area regulations shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) On an interior lot there shall be a side yard not less than five (5) feet in width on the side of a lot adjoining a residence district;
- (2) On an interior lot there shall be a rear yard not less than twenty (20) feet in depth on the rear of a lot adjoining a residential district;
- (3) The lot area requirements for dwellings are the same as those in the “R-5” Multiple-Family Residence District.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

**ARTICLE 17. “M-1” LIGHT INDUSTRIAL
DISTRICT REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “M-w” Light Industrial District. This district is intended primarily for light manufacturing, fabricating, warehousing and wholesale distributing, in low buildings, with off-street loading, and off-street parking for employees, and with access by major streets or railroads, in either central or outlying locations.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “B-2” General Commercial District, except dwellings, hospitals, institutions, or other buildings used for permanent or temporary housing of persons, except as described in (a) and (b) of this subsection, below:
 - (a) Dwellings for resident watchmen and caretakers employed on the premises;
 - (b) Accessory farm dwellings on a farm of ten (10) acres or more;
- (2) The following uses, and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted; such permitted uses being generally wholesale and retail trade, service industries, light industries that manufacture, process, store and distribute goods and materials and are, in general, dependent on raw materials refined elsewhere, and manufacture, compounding, processing, packaging or treatment, as specified, of the following products or similar products:

Chemicals, petroleum, coal and allied products.

- Cosmetics and toiletries;
- Ice manufacture, including dry ice;
- Ink manufacture (mixing only);
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds;
- Laboratories;
- Perfumes and perfumed soap (compounding only);
- Pharmaceutical products;
- Soap, washing, cleaning, powder or soda (compounding only).

Clay, stone and glass products.

Clay, stone and glass products;
Concrete products (except central mixing and proportioning plant);
Pottery and porcelain products (electric or gas fired).

Food and beverages.

Bakery products, wholesale (manufacturing permitted);
Beverage blending, bottling (all types);
Candy, wholesale (manufacturing permitted);
Chewing gum;
Chocolate, cocoa and cocoa products;
Coffee, tea and spices processing and packaging;
Condensed and evaporated milk processing and canning;
Creamery and dairy operations;
Dairy products;
Fish, shrimp, oyster and other seafood processing, packing and storing, except fish curing;
Flour, feed and grain (packaging, blending and storage only);
Fruit and vegetable processing (including canning, pre-serving, drying and freezing);
Gelatin products;
Glucose and dextrine;
Grain blending and packaging, but not milling;
Ice cream, wholesale (manufacturing permitted);
Macaroni and noodle manufacture;
Malt products manufacture (except breweries);
Meat products, packing and processing (no slaughtering);
Oleomargarine (compounding and packaging only);

Metals and metal products.

Agriculture or farm implements; Aircraft and aircraft parts;
Aluminum extrusion, rolling, fabrication and forming;
Automobile, truck trailer, motorcycle and bicycle assembly;
Boat manufacture (vessels less than five (5) tons);
Bolts, nuts, screws, washers and rivets;
Container (metal);
Culvert;
Firearms;
Foundry products manufacture (electrical only);
Heating, ventilating, cooking and refrigeration supplies and
appliances;
Iron (ornamental) fabrication;
Machinery manufacture;
Nails, brads, tacks, spikes and staples;
Needle and pin;
Plating, electrolytic process;
Plumbing supplies; Scale and fault;
Sheet metal products;
Silverware and plated ware;
Stove and range;
Tool, die, gauge and machine shops;
Tools and hardware products;
Vitreous enameled products.

Textiles, fibers and bedding.

Bedding (mattress, pillow and quilt);
Carpet, rug or mat;
Hat bodies of fur and wool felt (including men's hats)
manufacture;
Hosiery mill;
Knitting, weaving, printing, finishing of textiles and fibers into
fabric goods;
Rubber and synthetic treated fabrics (excluding all rubber and
synthetic processing);
Yarn, threads and cordage.

Wood and paper products.

Basket and hamper (wood, reed, rattan, etc.);
Box and crate;
Cooperage works (except cooperage stock mill);
Furniture (wood, rattan, reed, etc.);
Pencils; Planing and millwork;
Pulp goods, pressed or molded (including papier mache products);
Shipping container (corrugated board, fiber or wire bound);
Trailer, carriage and wagon; Wood products.

Unclassified uses.

Animal pound;
Animal, poultry and bird raising, commercial;
Building materials (cement, lime (in bags or containers), sand, gravel, shell, lumber and the like) storage and sales;
Carbon paper and inked ribbons manufacture;
Cigar and cigarette manufacture;
Cleaning and dyeing of garments, hats and rugs;
Exposition building or center;
Fairgrounds;
Fur finishing;
Greenhouses, wholesale;
Industrial vocational training school, including internal combustion engines;
Kennels;
Laboratories, research experimental, including combustion-type motor testing;
Leather goods manufacture, but not including tanning operations;
Laundries;
Livery stables and riding academy;
Market, wholesale;
Motion picture production;
Ophthalmic goods;
Plastic fabrications;
Printing, publishing and engraving;
Produce and storage warehouse;
Railroad switching yard primarily for railroad service in the district;
Theater, including a drive-in or outdoor theater;
Tobacco products, processing, storage and treatment;
Truck or transfer terminal, freight;
Wholesale houses and distributors.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) There shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district;
- (3) Whenever any building in the “M-1” Light Industrial District adjoins or abuts upon a residential district, such building shall not exceed two (2) stories nor thirty-five (35) feet in height, unless it is set back one foot from all required yard lines for each one foot of additional height above thirty-five feet.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 18. "M-2" HEAVY INDUSTRIAL DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "M-2" Heavy Industrial District. This district provides for industrial operations of all types, except that certain potentially hazardous industries are permitted only after public hearing and review, to assure protection of the public interest and surrounding property and persons.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

1. Any manufacturing, processing, storing or distributing use permitted in the "M-1" Light Industrial District;
2. Dwellings for resident watchmen and caretakers employed on the premises;
3. Accessory farm dwellings, on a farm of ten (10) acres or more;
4. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sales of products raised on the premises; but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises;
5. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted; and manufacture, compounding, processing, packaging, or treatment of the following products or similar products:

Chemicals, petroleum, coal and allied products.

Adhesives;
Alcohol;
Bleaching products;
Bluing;
Calcimine;
Candle;
Cleaning and polishing preparations (nonsoap) dressings and blackings;
Dye-stuff;
Essential oils;
Exterminating agents and poisons;
Fertilizer (nonorganic)
Fuel briquettes;
Glue and size (vegetable);
Ink manufacture from primary raw materials (including colors and pigments);
Soap and soap products.

Clay, stone and glass products.

Abrasive wheels, stones, paper, cloth and related products;
Asbestos products;
Brick, fire brick and clay products;
Concrete central mixing and proportioning plant;
Glass and glass products;
Graphite and graphite products;
Monument and architectural stone;
Pottery and porcelain products (coal-fired);
Refractories (other than coal-fired);
Sand-lime products;
Wallboard and plaster, building, insulation and composition flooring.

Food and beverage.

Casein;
Cider and vinegar;
Distilleries (alcoholic), breweries and alcoholic spirits (nonindustrial);
Flour, feed, and grain milling and storage;
Molasses;
Oils, shortenings, and fats (edible) and storage;
Pickles, vegetable relish and sauces;
Rice cleaning and polishing;
Sauerkraut;
Sugar refining;
Rubber tire and tube;
Shell grinding;
Storage batter (wet cell).

Unclassified uses.

Accessory advertising device giving the name of the industry or advertising products manufactured on the premises;
Bag cleaning;
Coal pocket;
Railroad switching and classification yard, roundhouse, repair and overhaul shops;
Oils, vegetable and animal (nonedible), and storage;
Paint, lacquer, shellac, and varnish (including colors and pigments, thinners and removers);
Roofing materials, building paper and felt (including asphalt and composition);
Salt tanning materials and allied products;
Tar products.

Section 3. Objectionable uses.

The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if no in conflict with any law or ordinance in the City of Petersburg or State of Virginia, be located in the "M-2" Heavy Industrial District, only after the location and nature of such use shall have been approved by the city council after public hearing. The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety:

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Metal and metal products.

Boat manufacture (over five (5) tons);
Boiler manufacture (other than welded);
Brass and bronze foundries;
Forge plant, pneumatic, drop and forging hammering;
Foundries;
Galvanizing or plating (hot dip);
Lead oxide;
Locomotive and railroad car building and repair;
Motor testing (internal combustion motors);
Ore dumps;
Shipyards;
Structural iron and steel fabrication;
Wire rope and cable.

Textiles, fibers and bedding.

Bleachery;
Cotton wadding and linter;
Hair and felt products, washing, curing, dyeing;
Jute, hemp and sisal products;
Linoleum and other surface floor covering (except wood);
Nylon;
Oilcloth, oil-treated products and artificial leather;
Rayon;
Shoddy;
Wool pulling or scouring.

Wood and paper products.

Charcoal and pulverizing;
Excelsior;
Paper and paperboard (from paper machine only);
Sawmill (including cooperage stock mill);
Wallboard;
Wood preserving treatment.

Unclassified industries.

Leather tanning and curing;
Rubber (natural or synthetic), gutta percha, chicle and balata processing.

Chemicals, petroleum, coal and allied products.

Acids and derivatives;
Acetylene, generation and storage;
Ammonia;
Caustic soda;
Cellulose and cellulose storage;
Chlorine;
Coke oven products (including fuel gas);
Creosote;
Distillation, manufacture or refining of coal, tar asphalt, wood and bones;
Explosives (including ammunition and fireworks) and explosives storage;
Fertilizer (organic);
Fish oils and meal;
Glue, gelatin (animal);
Hydrogen and oxygen;
Lamp black, carbon black and bone black;
Nitrating of cotton or other materials;
Nitrates (manufactured or natural) of an explosive nature, storage;
Petroleum, gasoline and lubricating oil;
Plastic materials and synthetic resins;
Potash;
Pyroxylin;
Rendering and storage of dead animals, offal, garbage or waste products;
Turpentine and resin.

Clay, stone and glass products.

Brick and firebrick refractories and clay products (coal-fired);
Cement, lime, gypsum, or plaster of Paris;
Minerals and earths: quarrying, extracting, grinding, crushing and processing.

Food and beverage.

Fat rendering;
Fish curing;
Slaughtering of animals;
Starch manufacture.

Metals and metal products.

Aluminum powder and paint manufacture;
Blast furnace, cupolas;
Blooming mill;
Metal and metal ores, reduction, refining, smelting and alloying;
Scrap metal reduction;
Steel works and rolling mill (ferrous).

Wood and paper products.

Match manufacture;
Wood pulp and fiber, reduction and processing.

Unclassified industries and uses.

Cotton ginning;
Cotton seed oil refining;
Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage;
Shell dredging;
Stockyard.

Section 4. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) There shall be a side yard not less than twenty-five (25) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than twenty-five (25) feet in depth on the rear of a lot adjoining a residence district;
- (3) Grain elevators, gas holders, coal bunkers, oil cracking towers and other similar structures may exceed one hundred twenty-five (125) feet in height, but whenever any building or structure in the "M-2" Heavy Industrial District adjoins or abuts upon a residence district, such building or structure shall not exceed fifty (50) feet in height, unless set back one foot from all required yard lines for each foot of additional height above fifty (50) feet.

Section 5. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 18.1. “MXD-1” MIXED USE DISTRICT**Section 1. Purpose.**

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations for the “MXD-1” Mixed Use District.

The purpose of this district is to permit a diversity of compatible uses which may include a mixture of residential, retail, shopkeeper and commercial uses which may include a mixture of residential, retail, shopkeeper and commercial office uses.

There regulations are intended to:

- (a) Encourage the preservation, rehabilitation and restoration of structures of historic or architectural merit in the district;
- (b) Encourage economic revitalization of the area in general and those properties with combined residential-commercial characteristics;
- (c) Encourage compatibility of existing and future land uses. (Ord. No. 82-111, 12-7-82)

Section 2. Use regulations.

Within the “MXD-1” Mixed Use District, the permitted uses are as follows:

(a) *Residential:*

- (1) Single-family and two-family residences;
- (2) Residential townhouses.
- (3) Redevelopment and adaptive reuse of existing structures, originally designed for ground level commercial use and upper floor residential use, to multiple-family dwelling designed to be operated as a unit by an individual, partnership, corporation or cooperative. Such redevelopment/adaptive reuse shall not exceed four (4) dwelling units. Off-street parking regulations as per Article 19 of this Zoning ordinance shall apply. (11-Ord-06)

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(b) Retail, shopkeeper, commercial office:

- (1) Business and professional offices;
- (2) Retail shops offering the following or similar sales and services:
 - a. Food products (maximum size 2,500 square feet);
 - b. Apothecary shop;
 - c. Drugstore (maximum size 2,500 square feet);
 - d. florist;
 - e. Card and gift shop;
 - f. Crafts and hobby shop (including instruction classes);
 - g. Bookstore;
 - h. Jewelry store, clock and watch repair shop;
 - i. Antique furniture store;
 - j. Bicycle repair shop;
 - k. Leather goods shop (not including tanning);
 - l. Sporting goods store;
 - m. Restaurant, tea rooms, cafes, delicatessens (not including drive-in establishments);
 - n. Artist's studio;
 - o. Auto parts sales;
 - p. Carpentry and cabinet shop (no outside storage);
 - q. Plumbing and heating shop (no outside storage);
 - r. Small appliance repair (no outside storage);
- (3) Entertainment, cultural and recreational uses (including theatres, art galleries, libraries, museums, private clubs, lodges, amusement centers and other recreational facilities);
- (4) Church or other places of worship;
- (5) Banking offices and other financial institutions;
- (6) Parking areas and lots (greater than ten (10) spaces must be screened);
- (7) Accessory buildings and uses customarily incidental and clearly subordinate to uses permitted in this district. (Ord. No. 82-111, 12-7-82)

Section 3. Prohibited uses.

All other uses not specified in Section 2 of this article are not permitted in the "MXD-1" Mixed Use District, said uses to include, but are not limited to, the following or similar uses:

- (1) Animal hospital or veterinarian;
- (2) Commercial car wash;
- (3) Chemical manufacturing, storage and distribution;
- (4) Auto body repair and painting;
- (5) Automobile service station;
- (6) Material salvage;
- (7) Outdoor advertising or billboard structures;
- (8) Rendering facility;
- (9) Automobile, truck and motorcycle sales and service. (Ord. No. 82-111, 12-7-82)

Section 4. Other district requirements.

(a) Dwelling structures, existing as of the adoption date of this ordinance, which may be used for retail, shopkeeper or commercial office purposes shall maintain a valid certificate of residential occupancy for a portion of the structure. (Ord. No. 82-111, 12-7-82)

Section 5. Height, area and bulk regulations.

(a) For single- and two-family residents [residences] and townhouses for sale, refer to Article 22 of the Zoning Ordinance.

(b) For commercial and shopkeeper uses, there shall be a height limitation of two and one-half (2 ½) stories not greater than thirty-five (35) feet above grade; minimum lot area the same as "R-5" and a maximum bulk not greater than seventy-five (75) per cent of the lot. (Ord. No. 82-111, 12-7-82)

Section 6. Yards.

(a) Front yards – No front yards shall be required (Article 25, Section 33, Paragraph 5).

(b) Side yards and rear yards – For residential dwellings, townhouses for sale, commercial, retail and shopkeeper uses, refer to Article 22 of the Zoning Ordinance. (Ord. No. 82-111, 12-7-82)

Section 7. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 22, Height, area and bulk regulations;
- Article 23, Supplementary use regulations
- Article 25, Supplementary height, area, and bulk regulations;
- Article 35, Historic zoning regulations. (Ord. No. 82-111, 12-7-82)

Section 8. Screening.

- (a) For commercial, retail and shopkeeper uses:

Where a side or rear lot line abuts a residential property, there shall be a continuous evergreen vegetative or opaque structural fence or screen not less than six (6) feet in height erected along such lot line, but not within fifteen (15) feet of any street line (Ord. No. 82-111, 12-7-82)

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ARTICLE 18.2. "MXD-2" MIXED USE DISTRICT**Section 1. Purpose.**

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations for the "MXD-2" Mixed Use District.

The purpose of this district is to permit a mixture of diverse land uses such as residential, retail, shopkeeper, commercial office and light industrial to co-exist in a compatible environment.

Those regulations are intended to:

- (a) Encourage preservation, rehabilitation and restoration of residential and commercial structures;
- (b) Encourage stability in commercial activity through economic revitalization of the area;
- (c) Encourage compatibility of existing and future land uses. (Ord. No. 82-111, 12-7-82)

Section 2. Use regulations.

A building or premises shall be used for the following purpose:

(a) *Residential:*

- (1) Single-family and two-family residences;
- (2) Residential townhouses;

(b) *Retail, shopkeeper, commercial office:*

- (1) Same as those in the "MXD-1" Mixed Use District.

(c) *Light industrial:*

- (1) Any use permitted in the "MXD-1" Mixed Use District;
- (2) The uses listed below and those uses with similar characteristics which do not create any more offensive levels of noise, vibration, dust, heat, smoke, odor, glare or other objectional functions are permitted in the "MSD-2" Mixed Use District. In general, these uses may involve light manufacturing, processing, wholesale, storage and distribution and service industries;
- (3) Auto assembly (custom orders only);
- (4) Tool, die, gauge and machine (2,500 square feet maximum);

- (5) Tools and hardware products;
- (6) Hand forged ironwork;
- (7) Wholesale houses and distributors;
- (8) Small engine manufacturing and repair;
- (9) Bedding manufacturing, retailing, and wholesaling;
- (10) Handknitting;
- (11) Weaving;
- (12) Printing;
- (13) Contractors, building and painting (no open storage yards);
- (14) Greenhouse, commercial;
- (15) Leather goods manufacturing (no tanning);
- (16) Auto parts manufacturing, retailing and wholesaling;
- (17) Furniture upholstery;
- (18) Baskets and hampers manufacturing;
- (19) Handcrafted furniture manufacturing;
- (20) Furniture refinishing (in enclosed building);
- (21) Handcrafted clay, stone, glass, pottery, porcelain;
- (22) Railroad activities as specified in Article 5, Section 2, paragraph (8);
- (23) Laundry and laundromats;
- (24) Feed and seed, retail and wholesale;
- (25) Bakery (2,500 square feet maximum);
- (26) Cosmetics, manufacturing (2,500 square feet maximum);
- (27) Ice manufacturing (2,500 square feet maximum);
- (28) Public utilities;
- (29) Accessory buildings and uses customarily incidental and clearing [clearly] subordinate to permitted uses in this district. (Ord. No. 82-111, 12-7-82)

Section 3. Prohibited uses.

The following uses and those of similar characteristics are not permitted in this district:

- (1) Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds manufacturing;
- (2) Concrete products manufacturing;
- (3) Fish, shrimp, oyster and other seafood processing, packing and storing and curing;
- (4) Malt products manufacturing;
- (5) Meat products, packing and processing and slaughtering;
- (6) Poultry packing and slaughtering;
- (7) Concrete and metal culvert manufacturing;
- (8) Firearms manufacturing;
- (9) Electrolytic plating;
- (10) Sheet metal products manufacturing;
- (11) Silverware and plateware manufacturing;
- (12) Box and crate manufacturing;
- (13) Planing and millwork;
- (14) Trailer, carriage and wagon manufacturing;
- (15) Animal pound or hospital or veterinarian;
- (16) Commercial animal, poultry and bird raising;
- (17) Building materials such as cement, lime, sand, gravel and lumber storage and sales;
- (18) Bus garage and repair shop;
- (19) Circus;
- (20) Coal and coke storage sales;
- (21) Fur finishing;
- (22) Kennels;
- (23) Livery stables and riding academy;
- (24) Plastic fabrications;
- (25) Produce and storage warehouse;
- (26) Freight truck and transfer terminal;
- (27) Chemical manufacturing, storing and distribution as principal use;
- (28) Material salvage operations;
- (29) Outdoor advertising or billboard structures;
- (30) Rendering facility. (Ord. No. 82-111, 12-7-82)

Section 4. Other district requirements.

(a) Dwelling structures, existing as of the adoption date of this ordinance, which may be used for light industrial purposes or for those uses enumerated in Section 2, paragraph (b) of the "MXD-1" Mixed Use District shall maintain a valid certificate of residential occupancy for a portion of the structure. (Ord. No. 82-111, 12-7-82)

Section 5. Height, area and bulk requirements.

(a) For residential dwellings, townhouses for sale, commercial retail and shopkeeper uses, refer to section 5, article 18B [18.1], "MXD-1" Mixed Use District.

(b) For permitted light industrial uses, there shall be a height limitation of two and one-half (2 ½) stories not greater than seventy-five (75) percent of the lot area. (Ord. No. 82-111, 12-7-82)

Section 6. Yards.

(a) Front yards – No front yard shall be required (Article 25, Section 33, Paragraph 5).

(b) Side yards and rear yards – For residential dwellings, townhouses for sale, commercial, retail and shopkeeper uses, refer to Article 22 of the Zoning Ordinance.

For permitted light industrial uses – No side yards shall be required except that where a side lot line abuts or is situated across an alley from a residential dwelling, there shall be side yard of not less than five (5) feet in width. No rear yard shall be required except that where a rear yard lot line abuts or is situated across an alley from a residential dwelling there shall be a rear yard of not less than twenty (20) feet in depth. (Ord. No. 82-111, 12-7-82)

Section 7. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
 - Article 20, Off-street loading regulations;
 - Article 22, Height, area and bulk regulations;
 - Article 23, Supplementary use regulations;
 - Article 25, Supplementary height, area and bulk regulations;
 - Article 35, Historic zoning regulations.
- (Ord. No. 82-111, 12-7-82)

Section 8. Screening.

For light industrial uses – Where a side or rear lot line abuts a residential property there shall be a continuous evergreen vegetative or opaque structural fence or screen not less than six (6) feet in height erected along such a lot line, but not within fifteen (15) feet of any street line. (Ord. No. 82-111, 12-7-82)

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ARTICLE 19. OFF-STREET PARKING REGULATIONS***Section 1. Off-street parking requirements.**

Except as otherwise provided in this ordinance, all structures and land uses constructed, enlarged, erected or extended shall provide off-street parking spaces in accordance with the provisions of this article. (Ord. No. 89-88, 9-5-89)

Section 2. Location of off-street parking.

Location of off-street parking facilities shall be provided on the same lot with the structure or land use served; except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained in areas within two hundred (200) feet of the building served.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit. (Ord. No. 89-88, 9-5-89)

Section 3. Design standards.

All off-street parking lots shall be surfaced with asphalt, concrete or other impermeable surface to protect against pot holes, erosion and dust unless an alternative surface is allowed by the city engineer to control stormwater runoff. All parking lots shall be bordered by a curb of asphalt, concrete or other material acceptable to the city engineer. Entrances and exits for all parking facilities shall comply with existing ordinances of the city. (Ord. No. 89-88, 9-5-89)

*Editor's note – Ord. No. 89-88, adopted Sept. 5, 1989, amended Art. 19, § § 1-4, with new provisions, pertaining to similar subject matter, designated as Art. 19, § § 1-8; said former article bore no history notes.

Section 4. General.

(1) All parking lots, regardless of the number of spaces, must have individual spaces marked. Such spaces shall be laid out on the parking surface with paint or plastic stripping which shall provide a permanent delineation between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley or walkway.

(2) The parking requirements in this article do not limit requirements which may be imposed with special uses (article 23) or special use exception (article 27).

(3) The parking requirements in this article apply to all districts except the B-3, Central Commercial District, where no special requirements are imposed.

(4) The parking requirements in this article do not limit other requirements in this ordinance for parking contained in district regulations, particularly in the B-1, Shopping Center District, where special requirements may be imposed.

(5) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

(6) In the case of mixed uses, uses with different parking requirements occupying the same building or premises or in the case of joint use of a building or a premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(7) Whenever a building or use constructed after the date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or other wise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. (Ord. No. 89-88, 9-5-89)

Section 5. Parking space requirements.

Each individual space must total one hundred eighty (180) square feet using either 9' x 20' or 10' x 18' dimensions. Compact car spaces may account for up to twenty (20) percent of the total available spaces and shall be so marked. Compact car spaces shall have a minimum size of 7 ½' x 15'. Handicapped parking spaces shall conform to a minimum size of 13' x 19' and must be marked so. Any lot having at least ten (10) spaces must have one (1) handicapped space. Additional handicapped spaces will be determined using the ratio of one (1) handicapped space per fifty (50) spaces in the lot. (Ord. No. 89-88, 9-5-89)

Section 6. Minimum parking spaces.

The following uses shall comply with the minimum parking requirements designated therefore:

- (1) *Animal hospitals, veterinary clinics, kennels, animal pounds and shelters:* At least one (1) space per three hundred (300) square feet of floor area.
- (2) *Auto sales and services to include new and used car dealers:* One (1) space per every two hundred (200) square feet of floor area plus space to accommodate all trucks and other vehicles used in connection therewith.
- (3) *Automobile service stations:* One (1) space per every one hundred twenty-five (125) square feet of gross floor area.
- (4) *Banks, credit unions, savings and loans and other financial institutions:* Eight (8) spaces for first one thousand (1,000) square feet of floor area plus one (1) space per every one hundred fifty (150) square feet of additional floor area.
- (5) *Bowling alleys:* Five (5) spaces for each alley.
- (6) *Child-care centers and child-care education centers:* One (1) space per every three hundred (300) square feet of gross floor space.

- (7) *Convenience stores or quick-service food stores:* One (1) space per every one hundred twenty-five (125) square feet of gross floor area.
- (8) *Institutions and libraries, museums and art galleries:* Not less than ten (10) spaces and one (1) additional space for every three hundred (300) square feet of gross floor space except as listed below:
 - (a) *Convalescent homes or nursing homes:* One (1) space for every six (6) beds plus one (1) space per each employee, including staff doctors;
 - (b) *Churches or civic associations or assembly rooms:* One (1) space for every four (4) seats;
 - (c) *Homes for the aged, disabled and handicapped:* One (1) space per every three patient beds plus one (1) space per each staff doctor, employee or doctor on main shift;
 - (d) *Hospitals:* At least 2.5 spaces per each patient bed;
 - (e) *Theaters:* One (1) space for every four (4) fixed seats.
- (9) *Fast-food restaurants:* One (1) space per sixty (60) square feet of floor area.
- (10) *Hotels:* One (1) space per each guestroom plus one employee space for every ten (10) guestrooms plus spaces for eating and assembly rooms as required for those uses in this ordinance.
- (11) *Medical, optical and dental offices and clinics:* One (1) space for each doctor and employee and three (3) spaces for each examining room and dentist's chair.
- (12) *Mortuaries and funeral homes:* One (1) space per every seventy-five (75) square feet of gross floor area plus one (1) space per each employee working on main shift.
- (13) *Motels:* One (1) space per each guestroom plus one (1) employee space per every ten (10) guestrooms plus spaces for eating and assembly rooms as required for those uses in this ordinance.
- (14) *Nightclubs, bars and taverns:* One (1) space per one hundred (100) square feet of floor area.

- (15) *Personal services, including beauty and barbershops, accountant and tax services, attorney offices and any other comparable services that cannot be classified as retail, with medical, dental or optical offices and clinics excluded:* Two (2) spaces for each chair (barber or beauty shop) or one (1) space for every two hundred (200) square feet of floor space.
- (16) *Private clubs, social centers, athletic clubs and commercial recreation facilities other than bowling alleys:* One (1) space per every two hundred (200) square feet of gross floor area.
- (17) *Retail establishments, repair, plumbing and heating establishments and service establishments, excluding personal services defined hereinabove:* One (1) space for every two hundred (200) square feet of net floor with one (1) extra space for every four hundred (400) square feet of floor space associated with storage, assembly and repair of goods.
- (18) *Residential:*
- (a) *Single-family:* Two (2) spaces per dwelling unit;
 - (b) *Townhouse:* Two (2) spaces per dwelling unit;
 - (c) *Multifamily (including two-family dwelling(s)):* One (1) space per each one-bedroom unit; two (2) spaces per every two- or more bedroom dwelling units;
 - (d) *Multifamily elderly:* One (1) space for every two (2) dwelling units;
 - (e) *Boarding:* One (1) space for each rental room and two (2) spaces for principal dwelling.
- (19) *Restaurants except fast-food restaurants but including those accessory to hotels and motels:* One (1) space per one hundred (100) square feet of gross floor area.
- (20) *Manufacturing and industrial plants, including processing, packaging, fabricating, research or testing labs, warehouseing, printing or publishing:* At least one (1) space per employee or maximum working shift. (Ord. No. 89-88, 9-5-89)

Section 7. Similar uses.

For any use not specifically listed herein, the requirements of the most similar listed use shall apply unless otherwise specified. (Ord. No. 89-88, 9-5-89)

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Section 8. Buffer required where adjoining property is residential.

Where a side or rear lot line abuts property used or zoned for residential purposes, there shall be installed and maintained a continuous evergreen vegetative screen or opaque structural fence not less than six (6) feet in height planted or erected along such lot line. (Ord. No. 89-88, 9-5-89)

Section 9. Off Street Shared Parking Regulations.

Shared parking. In the B-2, B-3 and PUD district, fifty percent of the number of off-street parking spaces required under section 6 of Article 19 for dwelling units may be supplied by shared off-street parking spaces located on private property provided for nondwelling uses that are not routinely open, used or operated between the hours of 6:00 P.M. and before 7:30 A.M. on any day. Notwithstanding the provisions of article 19, Section 2, the required spaces for dwelling units may be located onsite or offsite, but if located offsite, in no event a distance greater than five hundred (500) feet measured from the end of the building closest to the off-site parcel to the individual parking space located on an offsite parcel supplying the required spaces. If a portion of an individual parking space is within the five hundred (500) feet distance, such parking space may be included as an off-site parking space for purposes of this section. In any case where the required off-street parking spaces are supplied by shared off-street parking spaces pursuant to this section, a written agreement shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit.

ARTICLE 20. OFF-STREET LOADING REGULATIONS

Section 1. [Purpose.]

Except as otherwise provided in this ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, or any building is hereafter converted, for the uses listed in column 1 of the chart below, when such buildings contain the floor areas specified in column 2, accessory off-street loading spaces shall be provided as required in column 3 or as required in subsequent sections of this article:

| Column 1 <i>Use or Uses</i> <i>(Category)</i> | Column 2 <i>Floor Areas</i> <i>(Square Feet)</i> | Column 3 <i>Loading Spaces</i> <i>(Requirement)</i> |
|---|---|--|
| Retail store, department store, eating and drinking establishment, funeral home or mortuary, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment | 5,000 – 15,000 | One |
| | 15,001 – 25,000 | Two |
| | 25,001 – 50,000 | Three |
| | Each | One additional |
| Hotel, hospital or similar institutions or places of public assembly | 5,000 – 10,000 | One |
| | 10,001 – 50,000 | Two |
| | 50,001 – 100,000 | Three |
| | Each | One additional |
| Office or office building | 100,000 over 100,000 | |
| | 10,000 – 50,000 | One |
| | 50,001 – 100,000 | Two |
| | Each | One additional |
| | 100,000 over 100,000 | |

(Ord. No. 89-89, 9-5-89)

Section 2. Interpretation of the chart.

(1) The loading space requirements apply to all districts except the “B-1,” Shopping Center District, where special requirements may be imposed, or “B-3,” Central Commercial District.

(2) The loading requirements in this article do not limit special requirements which may be imposed in connection with special use permits (article 23) or special use exceptions (article 27). (Ord. No. 89-89, 9-5-89)

Section 3. Mixed uses in one building.

Where a building is used for more than one use or for different uses, and where floor area for each use for which loading spaces is required is below the minimum for required loading spaces, the number of required loading spaces will be calculated using the aggregate floor area in the structure and the use for which the most spaces are required. (Ord. No. 89-89, 9-5-89)

Section 4. Design standards.

(1) A loading space, as defined in article 3, section 2, shall have minimum dimensions of twelve (12) by thirty-five (35) feet and a minimum vertical clearance of at least fourteen (14) feet.

(2) Loading spaces for a funeral home may be reduced in size to ten (10) by twenty-five (25) feet and vertical clearance reduced to eight (8) feet.

(3) All spaces shall be provided and maintained with an all weather surface.

(4) Where loading spaces are illuminated, all sources of illumination shall be so shielded or directed as to prevent any direct reflection toward adjacent premises used or zoned for residential purposes.

(5) All loading spaces shall be visually screened from any adjacent premises used or zoned for residential purposes. All such screening shall be sufficiently dense or opaque to screen the loading space(s) from such adjacent properties. (Ord. No. 89-89, 9-5-89)

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ARTICLE 21. SIGN REGULATIONS***Section 1. Short title.**

The regulations contained in this article may be cited as the “Sign Ordinance.” (Ord. No. 91-23, 3-19-91)

Section 2. Purpose and intent.

Section 2.1. The purpose of this article is to set forth regulations that shall govern the construction, alteration, repair, maintenance and use of all signs, together with their appurtenant and auxiliary devices.

Section 2.2. The intent of these regulations is to permit and regulate all signs, except as otherwise provided herein, in such a manner as to protect property values, promote neighborhood character and stability, ensure safety on the streets by minimizing obstruction of vision or confusion of those utilizing the streets, promote clarity in the transmission of sign information, and to facilitate the creation of an attractive and harmonious community. (Ord. No. 91-23, 3-19-91)

Section 3. Permit required.

A sign permit shall be required to erect, structurally alter, relocate or replace any sign within the city, except as otherwise provided herein. A separate permit shall be required for each sign. (Ord. No. 91-23, 3-19-91)

Section 3.1. Application.

A. Prior to the erection, installation, placement, or alteration of any sign, a permit application shall be submitted to the Zoning Administrator. Each application for such permit shall be accompanied by plans showing the dimensions of the sign, the area, and height above grade level; the proposed location of the sign, including proper sight lines, rights-of-way, streets, sidewalks, buildings, and

*Editor’s note – Ordinance No. 10-Ord-10, adopted March 2, 2010, amended App. A, Art. 21, to read as herein setout, revising Art. 21, Ordinance No. 91-23, adopted March 19, 1991. Former App. A, Art. 21, relative to sign regulations, derived from the original zoning ordinance adopted April 20, 1971. As amended by Ord. No. 89-55, adopted June 6, 1989.

existing signs on the premises; the methods of illumination or lighting; the method of fastening such sign; and the name and address of the sign owner and of the sign erector, including written permission of the owner, lessee, or his authorized agent of the building or land on which the sign is to be erected or placed. Except as required by the Building Official, it shall not be necessary for the applicant to submit drawings or renderings from a licensed professional engineer, or to submit a survey from a licensed surveyor, as part of the application.

B. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of issuance of the permit, and there shall be no refund of any fee required by this article. (Ord. No. 91-23, 3-19-91)

Section 4. DEFINITIONS.

For the purpose of this article, and not withstanding other provisions elsewhere in this Ordinance, certain terms and words pertaining to signs are hereby defined as follows:

(1) *Historic Area.* Historic area means an area designated by ordinance as containing buildings or places in which historic events occurred, or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

(2) *Nonconforming Sign Structure.* A nonconforming sign structure shall be any lawfully erected sign structure that fails to meet current ordinance standards.

(3) *Sign.* A sign is any structure, or part thereof, or any device attached to, painted on, or represented on a building, fence, or other structure, upon which is displayed or included any letter, word, numeral, picture, illustration or decoration, emblem, symbol or trademark, flag, banner, or pennant, or other device, figure, or character used as, or which is in the nature of, an announcement, direction, advertisement or other attention-directing device, and which is visible beyond the boundaries of the parcel of land on which the same is located. A sign shall not include:

- (1) A similar structure or device located within a building, except illuminated signs within show windows;
- (2) Official court or public notices; or
- (3) The painted or posted message on a properly permitted general advertising sign structure.

(4) *Sign, Abandoned.* Any accessory or business sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity located, conducted, or sold on the premises upon which such sign is located, which use has been discontinued for a continuous period of two years.

(5) *Sign, Accessory or Business.* A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises upon which the sign is located and not included as exemptions in section 5 of this article.

(6) *Sign, Billboard.* A general advertising sign owned or operated by a person engaged in the business of outdoor advertising licensed by the Department of Transportation under Section 33.1-361 of the Code of Virginia.

(7) *Sign, changeable message.* Any changeable message sign that is illuminated, stationary and constant and does not change more than once every eight seconds shall be permitted, including a billboard sign which contains electronic messaging as expressly authorized by the code of Virginia in Section 33.1-369.

(8) *Sign, Surface Area.* The surface area of a sign shall be computed as including the entire area within a circle, semicircle, triangle, rectangle, parallelogram, or trapezoid enclosing all elements of the matter displayed, excluding frames and columns or uprights on which the sign is placed. Only one (1) side of a double-faced sign, whose sign faces are parallel and are at no point more than two (2) feet from one another, shall be included in the computation of total sign area; for all other signs with more than one (1) face, each side shall be included in the computation of total sign area.

(9) *Sign, flashing.* Any sign displaying flashing or intermittent lights, changing in degrees of intensity, which constitutes a public safety or traffic hazard in the judgment of the City's traffic engineer.

(10) *Sign, freestanding or ground.* A non-movable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

(11) *Sign, general advertising.* Any sign which directs attention to a business, commodity, service or entertainment not conducted, sold, or offered on the same premises upon which such sign is located, except a wall sign that is determined to be historic by the Architectural Review Board. General Advertising Sign includes a "Billboard Sign" as defined in this Article, however, any general advertising or billboard sign owned or operated by the City shall not be subject to the provision of this Ordinance.

(12) *Sign, Height.* The vertical distance from the average street grade of the real property, upon which the sign is located, at the required minimum front setback line for signs, whichever allows for the greater height, to the highest point of the sign.

(13) *Sign, Illuminated.* Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

(14) *Sign, Portable.* Any sign not permanently affixed to the ground nor to a building, which is designed or constructed in such manner that it can be moved or relocated without involving any structural or support changes (including a sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service when the vehicle is parked so as to attract the attention of motoring or pedestrian traffic).

(15) *Sign, Projecting.* Any sign which is attached to and projects more than twelve (12) inches from the face of a wall of a building.

(16) *Sign, Roof.* Any sign painted, erected, or constructed upon or above the roof of a building or structure, or part thereof; any sign that projects above the intersection of the roof decking and wall face; or any sign that extends above the eave or parapet shall be deemed to be a roof sign.

(17) *Sign, Temporary.* A sign which advertises community or civic projects or special events on a temporary basis. Temporary signs for community or civic projects or special events shall be permitted only for events of public interest, e.g. fairs, carnivals, community gatherings, or other similar events.

(18) *Sign, Wall.* A sign attached to or painted on or otherwise inscribed on the outside wall of a building and supported throughout its length by such wall or building and not extending more than twelve (12) inches from the building wall. (Ord. No. 91-23, 3-19-91)

(19) *Structure.* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to: advertising signs, billboard signs, main buildings, outbuildings, fences, walls, lamp posts, light fixtures and posterboards.

(20) *Structural alterations.* Any change in the supporting members of a building or structure, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, provided that in order to be a structural alteration, the alteration shall meet the criteria otherwise provided in the Uniform Statewide Building Code.

Section 5. EXEMPTIONS.

The following signs are exempted from the permit requirements of this article provided that they comply with all other regulations of this article; however, nothing in this section shall be construed as providing an exemption from any requirement of the city's building code:

Section 5.1. One (1) identification sign not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or hours of operation.

Section 5.2. Signs identifying municipal or governmental buildings or buildings used for religious purposes, when erected upon the building or land upon which such building is located, provided that such signs shall not exceed twenty-five (25) square feet in area.

Section 5.3. Public signs of a noncommercial nature and in the interest of, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, warning signs, and informational signs.

Section 5.4. Temporary real estate signs which advertise the sale, rental or lease of the premises on which displayed, provided that advertisement display area does not exceed six (6) square feet in residential districts or sixteen (16) square feet in commercial or industrial districts. Such signs shall not be illuminated and, if freestanding, shall not be more than six (6) feet in height.

Section 5.5. Signs warning the public against trespassing, dangerous animals, swimming or the like, provided such signs do not exceed three (3) square feet in area per sign.

Section 5.6. One (1) sign, not more than one (1) square foot in area and not illuminated, identifying a home occupation in any and all zoning districts.

Section 5.7. Not more than three (3) construction signs, when placed at the construction site. Such signs shall not be illuminated, shall not exceed sixteen (16) square feet in area for each sign, and shall be removed within ten (10) days following the completion of construction.

Section 5.8. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six (6) square feet in area for each sign.

Section 5.9. Commemorative plaques and historic markers recognized by the City.

Section 5.10. Yard or garage sale signs displayed on the premises of such sale, provided that such signs shall not exceed six (6) square feet. No such sign is permitted elsewhere and if so displayed or placed, may be removed by the city. The cost of such removal shall be charged to the occupant of the property on which the yard or garage sale is conducted.

Section 5.11. Temporary agricultural or seasonal signs that promote the sale of agricultural produce and that do not exceed (12) square feet per sign on the premises on which such signs are displayed, provided such signs are removed at the end of the sales season.

Section 5.12. Political campaign signs, including posters, banners, writings, pictures, paintings, lights, models, displays, emblems, notices, illustrations, insignias, symbols, and any other such advertising devices, the purpose of which is to announce a referendum or the nomination or election of individuals seeking an elected public office, provided that the total area of such signs shall not exceed six (6) square feet in a residential zone and thirty-two (32) square feet in a commercial or industrial zone. These signs shall be confined with private property and shall not encroach into the visibility triangle at street intersections. In those situations where a final election follows a primary election, those candidates who won in the primary election may continue to display their signs during the interim period and up to ten (10) days after the final election, at which time all political campaign signs shall be removed. Persons responsible jointly and severally for the maintenance and removal of political campaign signs are:

- (a) The candidate, spokesman or campaign committee;
- (b) The owner of the premises on which the sign is located;
- (c) The person erecting the sign; or
- (d) The person causing erection of the sign. (Ord. No. 91-23, 3-19-91)

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Section 6. PROHIBITED SIGNS.

The following signs shall be prohibited in all districts:

Section 6.1. Signs which by reason of their location, position, size, shape, color, design or means of illumination may be construed as or confused with, or may interfere with, obstruct or obscure the view of all or any portion of a traffic control sign, signal, or device.

Section 6.2. Signs which imitate an official sign or signal or which contain the words “stop,” “go,” “slow,” “yield,” “caution,” “danger,” “warning” or similar words which imply any official warning or command or which may imply the need for special actions on the part of any vehicle operator or pedestrian.

Section 6.3. Any flashing sign.

Section 6.4. Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices. Pennants, flags, banners, when not part of any sign, even if attached to the poles or other supporting elements of the sign face, however, are allowed in the B-2, General Commercial, and B-3, Central Commercial Districts, provided such devices are connected to a rope or wire that is attached securely at both ends or attached directly to a supporting pole; otherwise such devices, when not part of any sign, are prohibited in any district.

Section 6.5. Any sign or means of sign illumination which causes glare into or upon any building other than the building to which the sign may be related.

Section 6.5. Any sign affixed to, hung, placed or painted on any other sign, cliff, tree, public utility pole, radio or television or similar tower, provided, that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by the city government.

Section 6.7. All portable or nonstructural signs.

Section 6.8. Roof signs.

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Section 6.9. Signs advertising activities which are illegal under federal, state, or city laws or regulations.

Section 6.10. General advertising signs. (Ord. No. 91-23, 3-19-91)

Section 7. GENERAL REGULATIONS.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this article:

Section 7.1. Structural and safety features and electrical systems shall be in accordance with the requirements of the Uniform Statewide Building Code. All signs requiring permits shall be inspected by the Zoning Administrator for compliance with all the requirements of this Article and by the building official for compliance with the requirements of the Uniform Statewide Building Code.

Section 7.2. The Zoning Administrator, upon application as required in this article, may issue temporary permits for the following signs and displays for a period not to exceed thirty (30) days, when in the administrator's opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property including signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental, civic or charitable organization.

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Section 7.3. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.

Section 7.4. No signs shall project over public right-of way without the express written permission of the city manager, except for permitted flat signs which may so project not more than six (6) inches.

Section 7.5. The face or copy of abandoned signs may remain in place for not more than ninety (90) days from the date of vacancy by the tenant or owner previously occupying the premises on which the sign is located.
(Ord. No. 91-23, 3-19-91)

Section 8. LIABILITY INSURANCE.

No sign shall be hung, kept in place, maintained or erected over any public right-of-way including streets, alleys or sidewalks within the city unless the owner or tenant of the building or structure to which such sign is, or may be, attached shall have secured and deposited with the city manager a policy of insurance against public liability and property damage, issued by some solvent insurance company licensed and duly authorized to execute such policies within the state, or a proper certificate of such insurance company showing that such owner or tenant has obtained such policy, insuring the city against liability for bodily injuries, including death, in an amount not to exceed the sum of two hundred fifty thousand dollars (\$250,000.00) for injury to any one (1) person, or the sum of five hundred thousand dollars (\$500,000.00) for injuries arising out of any one (1) accident, and against liability for property damage in an amount not to exceed the sum of one hundred thousand dollars (\$100,000.00) in any one (1) accident, which such liability arises out of the erection, maintenance or presence of any such sign, or on account of any damages or injuries caused thereby. Such policy or insurance shall contain a clause obligating the company issuing the policy to give ten (10) days written notice to the city manager before cancellation thereof. In lieu of such policy of insurance, the owner or tenant of such building or other structure shall be permitted to enter into a bond with surety satisfactory to the city manager, and in a form approved by the city attorney, payable to the city, with conditions therein similar to the conditions hereinbefore provided with respect to such policies of insurance.
(Ord. No. 91-23, 3-19-91)

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Section 9. PERMITTED SIGNS BY ZONING DISTRICT.

The regulations set forth in this section pertain to the various types and specifications for signs expressly permitted in each designated zoning district, except for billboard signs which are addressed in Section 10.14 of this Article.

Section 9.1. In District R-B, regulations shall be established in accordance with Article 13, Section 2.

Section 9.2. The maximum advertising display area for accessory or business signs in the Mixed Use Districts (MSD) shall not exceed twenty-five (25) square feet.

Section 9.3. In District B-1, regulations shall be established in accordance with Article 14, Section 6.

Section 9.4. The maximum advertising display area for accessory or business signs in District B-2 shall not exceed one hundred fifty (150) square feet.

Section 9.5. The maximum advertising display area for accessory or business signs in District B-3 shall not exceed one hundred twenty-five (125) square feet.

Section 9.6. In Districts M-1 and M-2, sign area shall not exceed in the aggregate three (3) square feet in area per linear foot of building frontage, such frontage shall be measured as the longest horizontal dimension of the building and which does not pass through or between any adjacent elements of same, provided, however, no such sign or signs shall exceed an aggregate total of three hundred fifty (350) square feet in area.

Section 9.7. No part of any freestanding or projecting sign shall be higher than twenty-five (25) feet from grade. (Ord. No. 91-23, 3-19-91)

Section 10. INTENTIONALLY BLANK

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Section 11. SIGNS PERMITTED IN LOCAL HISTORIC DISTRICTS.

Before any sign shall be painted, erected, or constructed in local-designated historical areas, a certificate of appropriateness shall be obtained from the architectural review board, in accordance with the provisions of article 35 of this appendix. Notwithstanding the sign regulations established herein, the architectural review board, in approving a sign, may further regulate such sign with respect to area, height, placement, materials, color, lighting, graphics, lettering or architectural styling, provided that area and height limitations established herein are not exceeded. (Ord. No. 91-23, 3-19-91)

Section 12. MAINTENANCE.

Section 12.1. All signs, including those exempt from the permit requirements of this article, together with all of their supports, braces, connections, anchors, and electrical equipment shall be maintained in good structural condition at all times. All materials used in the sign shall be kept in good condition, free of holes, rotting, peeling paint or other forms of decay. If the sign is illuminated, all lighting shall be maintained in working order and meet the standards and requirements of the Building Code. Billboard signs shall be maintained in accordance with section 10.14.6 of this Ordinance.

Section 12.2. Whenever a sign fails to meet the maintenance requirements, as specified in this section, or becomes structurally unsafe, or endangers the public safety, the zoning administrator or the building inspector shall order that such sign be properly maintained, repaired, made safe, or removed. Such order shall be complied with within (10) days of receipt thereof by the person, firm or corporation owning or using the sign, or the owner of the building or premises on which such sign is affixed or erected.

Section 12.3. The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris. (Ord. No. 91-23, 3-19-91)

Section 13. NONCONFORMING SIGNS.

No sign lawfully erected or placed before the effective date of Ordinance No. 91-23 which does not conform to the provisions of this Article, and no sign lawfully erected or placed before the effective date of any amendment to such Ordinance which does not conform to the provisions of such amendment, shall be enlarged, structurally altered, or reconstructed in any manner, except for billboard signs as otherwise provided herein. No nonconforming sign shall be moved on the same lot, however, notwithstanding any other provisions of this Ordinance including Article 3, nonconforming billboard signs shall be governed by Section 10.14 of this Article. (Ord. No. 91-23, 3-19-91 & Ord. No. 10-Ord-10, 3-02-10)

Section 14. BILLBOARD SIGNS.

For the purpose of Section 10.14, the following terms and words pertaining to billboard signs supplement the definitions in Section 10.4:

Section 15. REMOVAL OF SIGNS.

Except as otherwise provided herein for Billboard Signs, the zoning administrator may order the removal of any sign erected or maintained in violation of this article. Upon determination of such violation, the zoning administrator may give thirty (30) days' written violation notice, by certified mail, to the owner of such sign, or of the building, structure or premises upon which such sign is located if the owner of the sign is not identified, to remove the sign or to bring it into compliance with applicable regulations. IF the owner or person notified of the violation fails to remove or alter the sign to comply with the applicable requirements of this article within the thirty (30) days, the zoning administrator shall cause such sign to be removed or brought into compliance at the cost of the owner or person notified of the violation. Removal of sign shall mean the dismantling and removal from premises of all signs, embellishments, and structures designed specifically to support such sign. This process described herein also is applicable to abandoned signs.

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The provisions of this section shall be in addition to any other applicable enforcement provisions of this article. (Ord. No. 91-23, 3-19-91)

**ARTICLE 22. HEIGHT, AREA AND BULK
REQUIREMENTS**

Section 1. [Requirements for various districts.]

Height, area and bulk requirements for the various districts shall be as indicated in the chart below, together with other height, area and bulk requirements contained in this ordinance.

Article 22. Height, Area and Bulk Requirements
Section 1. [Requirements for various districts.]

Height, are and bulk requirements for the various districts shall be as indicated in the chart below, together with other height, area and bulk requirements contained in this ordinance.

| Article | District | Maximum Height | | Minimum Depth Front Yard In Feet | Minimum Width Side Yards In Feet | Number of Side Yards | Minimum Aggregate Width of Side Yards In Feet | Minimum Depth of Rear Yard In Feet | Minimum Lot Area Per Dwelling Unit Square Feet | Minimum Lot Area Square Feet | Minimum Width of Lot In Feet |
|---------|-----------------------------------|----------------|---------|----------------------------------|--------------------------------------|----------------------|---|------------------------------------|--|------------------------------|------------------------------|
| | | Feet | Stories | | | | | | | | |
| 4A | "A", Agricultural District | 45 | 3 | 35 | 10% of total width | 2 | Varies | 30 | Lot is to be within a minimum contiguous area of eight (8) acres, all of which is zoned as agricultural. | | |
| 5 | "R-1A", Single-Family Residence | 35 | 2 ½ | 35 | 8 | 2 | 20 | 30 | 15,000 | 15,000 | 100 |
| 6 | "R-1", Single-Family Residence | 35 | 2 ½ | 35 | 6 | 2 | 15 | 30 | 8,000 | 8,000 | 75 |
| 7 | "R-2", Single-Family Residence | 35 | 2 ½ | 35 | 5 | 2 | 12 | 25 | 5,000 | 5,000 | 50 |
| 7A | "RMH", Residential Mobile Home | 15 | 1 | 15 | 7 ½ | 2 | 15 | 15 | 5,000 | 5,000 | 40 |
| 8 | "R-3", Two-Family Residence | 35 | 2 ½ | 35 | 5 | 2 | 12 | 25 | 1 family: 5,000 2 family: 3,000 | 5,000 6,000 | 50 60 |
| 9 | "R-4", Multiple Dwelling District | 40 | 3 | 35 | 1 and 2 family:5 3 plus family:10 | 2 | 12 | 25 | 1 family: 5,000 2 family: 3,000 3+ family: 3,000 | 5,000 6,000 9,000 | 50 60 75 |
| 10 | "R-5", Multiple Dwelling District | 45 | 3 | 35 | 5 | 2 | 12 | 25 | Number of Rooms* 1-250 2-500 3-750 4 plus-1000 | 5,000 | 50 |
| 11 | "R-6", | 150 | | See special | regulations as | contained | in Article 11 | | Same as "R-5" | 5,000 | 50 |
| 12 | "RTH", Residential Town House | 35 | | See special | regulations as | contained | in Article 12 | | Same as "R-5" | 5,000 | 15 |
| 13 | "RB", Office Apartment District | | | Same as R-5 | | | | | | | |
| 14 | "B-1", Shopping Center District | | | See special | regulations as | contained | in Article 11 | | | | |
| 15 | "B-2", General Business | 45 | 3 | None | For Dwellings:5 | 2 | 12 | 25 | Same as "R-5" | 5,000 | 50 |
| | | | | None | except as | required | in Article 15 | | | | |
| 16 | "B-3", Central Business District | 90 | 8 | None | None except as | required | in Article 16 | | None | None | None |
| 17 | "M-1", Light Industrial District | 75 | 6 | None | None except as | required | in Article 17 | | None | None | None |
| 18 | "M-2", Heavy Industrial District | 75 | 6 | None | None except as | required | in Article 18 | | None | None | None |
| 18.1 | "MXD-1", Mixed Use District | 35 | 2 ½ | Refer to | Article 18.1, | Sections | 5, 6, 7 | | | | |
| 18.2 | "MXD-2", Mixed Use District | 35 | 2 ½ | Refer to | Article 18.2, | Sections | 5, 6, 7 | | | | |

* Room Count: All rooms in a dwelling unit except those used exclusively for kitchen, bath or utility purposes. Any floor space exceeding seventy (70) square feet in area and enclosed by partitions or walls having cased openings, or doors of any type shall be deemed a room.

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**ARTICLE 23. SUPPLEMENTARY USE
REGULATIONS – SPECIAL USES**

Section 1. [Procedure for obtaining special use permit.]

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Section 2. [Qualification of nonconforming use as special use.]

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

Section 3. [Additions or alterations to special uses.]

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;
- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (1/2) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.

- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the m-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.

- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the m-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.

Sec. 4.1. Special Use Permits for Communication Towers; criteria and procedures.

(1) Definitions.

- a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
- b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
- c. *Communication Tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, non-commercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.

- 2) Special Use Permit Requirement. Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.

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ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, non-commercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.

- (2) **Special Use Permit Requirement.** Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) **Criteria.** In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled “Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process.” Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
 - a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
 - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
 - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
 - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) **Site Plan Required.** A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency,

Tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.

- (5) Insurance and Bond. Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) Non-discrimination among providers; access to service. It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) Prompt consideration. All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for

Approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) Explanation of denial. If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

Section 5. [Restrictions upon accessory buildings, cellars and basements.]

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

ARTICLE 24. NONCONFORMING USES**Section 1. Purpose and Intent.**

The purpose of this article is to regulate nonconforming uses in a manner consistent with sound planning and zoning principles, and in conformity with state law. The general intent is that over time, nonconforming uses will be discontinued in favor of uses conforming to the zoning ordinance and the zoning map.

Section 2. Term Defined.

The term “nonconforming use” shall mean any use, lot, building or structure that was lawful on the date of enactment of the zoning ordinance, or amendment thereto, which has been continued although otherwise unlawful by such enactment or amendment. Any use, lot, building, or structure that was lawful on the date of enactment of the zoning ordinance, or amendment thereto, shall remain lawful and shall not be a “nonconforming use.”

Section 3. Termination of Nonconforming Uses.

1. A nonconforming use may continue as it existed when it became nonconforming, provided that it may not be changed, replaced, relocated, expanded in any manner, nor structurally altered, except as provided for in this article.
2. If any nonconforming use is discontinued for a period of two years, or for a period of less than two years if authorized by Virginia law, it shall lose its nonconforming status and any further use shall conform to the provisions of the zoning ordinance.
3. For the purposes of this article, cessation of a nonconforming use for the aforesaid period shall be conclusively presumed to establish discontinuance. The possession of a business license to conduct business upon a property shall not itself constitute proof of business activities on the premises.
4. Operation of only an accessory or incidental use to the principal nonconforming use during the two-year period shall not have the effect of continuing the principal nonconforming use.

Section 4. Destruction of a Nonconforming Use.

No building which has been damaged, by any cause whatsoever, to the extent of more than fifty (50%) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are terminated. IF a building is damaged by less than fifty (50%) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

Section 5. Intermittent Use.

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 6. Existence of a Nonconforming Use.

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals, after public notice and hearing, and in accordance with the rules of the board.

Section 7. Nonconforming Uses Not Validated.

A nonconforming use in violation of a provision of the ordinance which this ordinance amends or repeals shall not be validated by the adoption of this ordinance.

Section 8. Permitted Changes of Nonconforming Uses.

A nonconforming use may be changed, altered, repaired, restored, replaced, relocated, or expanded only in accordance with the provisions of this article and subject to the appropriate approvals (including, among others, verification of the nonconforming use by the Zoning Administrator, site plan approval, and building permit approval) otherwise required by law.

1. A nonconforming use may change to a conforming use.

2. A nonconforming building or structure may be repaired, provided such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming.
3. A one-family residential structure which is nonconforming with respect to rear yard area or front, rear, or side yard setback requirements, but which otherwise conforms to the use requirements of the district in which it is located, may be expanded so long as additional nonconformities are not introduced. New or expanded residential accessory uses may be permitted subject to the provisions of the zoning ordinance, provided that all new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard requirements, and setbacks, for the zoning district in which located. In no case shall a nonconforming single-family dwelling be modified to accommodate additional dwelling units.

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**ARTICLE 25. SUPPLEMENTARY HEIGHT,
AREA AND BULK REGULATIONS**

Section 1. [Purpose.]

The regulations set forth in this section [article] qualify or supplement the district regulations appearing elsewhere in this ordinance.

Section 2. Modification of height regulations.

(1) The height regulations as prescribed in this ordinance shall not apply to:

Belfries;
Chimneys;
Church spires;
Conveyors;
Cooling towers;
Elevator bulkheads;
Fire towers;
Flagpoles;
Monuments;
Ornamental towers and spires;
Smokestacks;
Stage towers or scenery lofts;
Water towers;
Tanks.

(2) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulation for the district in which the building is located.

(3) Manufacturing buildings located in the “M-2” Heavy Industrial district, on land parcels at or exceeding one hundred fifty (150) acres and used for gravity assisted processing, may erect to a height not exceeding one hundred seventy-five (175) feet, when such buildings are set back from any other contiguous zonig district by at least one foot for each one foot of additional building height above the height regulations for the “M-2” Industrial District.

Section 3. Modification of area regulations.

3.1. *Yards generally.*

- (1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard only.
- (2) Every part of a required yard shall be open to the sky, except as authorized by this article; and ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features, which may project to a distance not to exceed twenty-four (24) inches into a required yard.
- (3) Within a residence or office-apartment district, the least dimension of a yard upon which the principal entrances or exists of a multiple dwelling face shall be twenty (20) feet.
- (4) Where a lot is used for a commercial or industrial purpose more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
- (5) A bathroom not exceeding fifty (50) square feet in area may be constructed on the rear of an existing dwelling which does not have these sanitary facilities, provided the addition is at least ten (10) feet from the rear lot line and conforms to the side line requirements.
- (6) On residential lots having a width of less than fifty (50) feet and on record prior to November 20, 1947, there shall be a side yard on each side of a building having a width of not less than ten (10) per cent of the average width of the lot; provided, however, that such side yard shall not be less than three (3) feet.

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- (7) For housing projects involving the construction of several multiple-group dwellings on the same lot or parcel of land, in order to permit a more flexible placing of the buildings on the land and more desirable grouping of open spaces and such accessory facilities as recreation and parking areas, the following yard requirements shall apply:
- (a) Front, side and rear yard requirements along the boundaries of the lot shall be in accordance with requirements previously established;
 - (b) Within the lot, minimum distances between main buildings, except Residential Town House Districts, shall be as follows:
 - 1. When buildings are front to front, not less than fifty (50) feet.
 - 2. When buildings are front to rear, not less than sixty (60) feet.
 - 3. When buildings are front to side, not less than fifty (50) feet.
 - 4. When buildings are side to side, rear to side, or rear to rear, not less than twenty (20) feet for one story buildings and not less than thirty (30) feet when one or both of the buildings are more than one story.

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3.2 *Accessory buildings and structures.*

- (1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (2) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from the street lines.
- (3) One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this ordinance; provided such sign is of not more than thirty (30) square feet in area, does not contain flashing, moving, or intermittent illumination; and provided the requirements of other city ordinances are complied with.
- (4) An ornamental fence or wall not more than three and one-half (3 ½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven (7) feet.
- (5) Accessory, open and uncovered swimming pools and home barbecue grills may occupy a required rear yard, provided they are not located closer than five (5) feet to the rear lot line not closer than three (3) feet to a side lot line.
- (6) Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard; provided, such accessory building does not occupy more than twenty-five (25) per cent of the area of the required rear yard; and provided, it is not located closer than eight (8) feet to the rear lot line nor closer than three (3) feet to a side lot line.

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3.3 *Front yards.*

- (1) Where an official line has been established by the adopted major arterial plan, for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard of fifteen (15) feet on the side street; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than thirty-two (32) feet.
- (4) Open unenclosed porches, platforms or paved terraces, open or covered by a roof or canopy, and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six (6) feet.
- (5) Where twenty-five (25) per cent or more of the street frontage, or where twenty-five (25) per cent or more of the street frontage within four hundred (400) feet, of the property in question is improved with buildings that have a front yard (with variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty (50) per cent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty (40) per cent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.
- (6) All buildings hereinafter erected, or structurally altered so as to change the character of use of such building, shall observe the following setback requirements or the setbacks or front yard requirements set forth elsewhere in this ordinance, whichever is greater:

- (a) Except as otherwise provided below, on Washington Street, the minimum setback shall be forty (40) feet, and on Sycamore Street south of Halifax Street, the minimum setback shall be forty-five (45) feet. (On Crater Road, between Graham Road and South Boulevard, the minimum setback on the west side shall be forty (40) feet and on the east side shall be ninety (90) feet for dwellings and sixty (60) feet for all other buildings.) On all other streets thirty (30) feet in width and less than sixty (60) feet in width the minimum setback shall be thirty (30) feet. The term “center line of the street” as used below, shall mean the center line which existed November 20, 1947.
- (a-1) The minimum setback along U.S. Rout 301 (South Crater Road) from the Norfolk and Western Railway underpass south of Morton Avenue and to the Prince George County Line shall be one hundred (100) feet. The minimum setback along U.S. Route 460 (County Drive) from the Norfolk and Western Railway overpass, at the old corporate limits, to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 604 (Halifax Road) from its intersection with Boydton Plank Road south to the overpass over Interstate 85 shall be one hundred (100) feet; along the west side of Halifax Road from Interstate 85 south to Vaughan Road the minimum setback shall be one hundred forty-five (145) feet; along Halifax Road from Vaughan Road south to the Dinwiddie County Line the minimum setback shall be one hundred (100) feet. The minimum setback along State Route 142 (Boydton Plank Road) from its intersection with Halifax Road west to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along State Route 632 (Wagner Road) from U.S. Route 301 east to U.S. Route 460 shall be one hundred (100) feet. The minimum setback along State Route 608 (Johnson Road) from the Norfolk and Western Railway overpass, at the old corporate limits, south to the Dinwiddie County Line south of Flank Road shall be one hundred (100) feet. The minimum setback along State Route 109 (Hickory Hill Road) from U.S. 460 east to Fort Lee shall be one hundred (100) feet.

The minimum setback along State Route 629 (Rives Road) from U.S. Route 301 east to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 613 (Squirrel Level Road) from Boydton Plank Road southwest to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along Dupuy Road from Spring Street Southwest to Boydton Plank Road shall be eighty (80) feet. The minimum setback along State Route 613 (young's Road) from Brick House Run south to Boydton Plank Road shall be eighty (80) feet. The minimum setback along Flank Road from U.S. Route 301 west to State Route 604(Halifax Road) shall be one hundred fifty (150) feet. The minimum setback along Defense Road from Banister Road west to State Route 142 (Boydton Plank Road) shall be one hundred fifty (150) feet. The term "center line of the street," as used below in subsection (b), when referring to this paragraph shall mean the center line which existed January 1, 1972. Where there are two (2) center lines on a road, the center line referred to is a line running half way between and parallel to the two (2) existing center lines.

- (b) The minimum setback required herein shall be the minimum horizontal distance from the center line of the street to the main building, or any projection thereof. Where an existing building has less setback than provided herein, any building hereafter erected or structurally altered within twenty (20) feet of said existing building may observe the setback line established by the existing building provided that provision be made in the structure for the removal of that portion which extends beyond the setback line established herein, without damage to the balance of the structure, and that the owner of the building to be erected or structurally altered enter into agreement with the City of Petersburg, relieving the city of damage for the removal of that portion of the structure extending beyond the required setback line, when at such time the city acquires title to this portion of the property for street widening.

- (c) No setback of any building shall be required on the south side of East Tabb Street, between North Sycamore Street and Monroe Street.
- (d) Where the minimum setback required herein would require a front yard, the depth of which is greater than ten (10) per cent of the average depth of a lot of record prior to November 20, 1947, or require a front yard on the side having the greater, and the front yard is not required by the district regulations, an application for a building permit, conforming to the provisions herein, shall be denied by the building inspector for a period of sixty (60) days. The building inspector shall immediately notify the council of such application for a permit, and unless the building inspector be notified by the clerk of the council within sixty (60) days of date of the application for permit, of the city's intention to purchase the land occupied by the setback required herein, the building inspector shall grant the permit.

3.4. *Side yards.*

- (1) Where dwelling units are erected above business and industrial structures in business and industrial districts, no side yards are required, except such side yard as may be required in the district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.
- (2) For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.
- (3) The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residence districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business, commercial or industrial district, in which case the width of that yard shall be as required in the chart of article 22, for the district in which the building is located.

3.5. *Rear yards.* Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.

3.6. *Lot area.* Where a lot was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force. (Ord. No. 88-48, 5-17-88)

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ARTICLE 26. “PUD” PLANNED UNIT DEVELOPMENT DISTRICT*

Section 1. Purpose.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations for the Planned Unit Development District. Single-use zoning often has tended to constrain imaginative design for new community projects. The Planned Unit Development District, by offering developers the opportunity to overcome traditional zoning limitations, is intended to encourage innovative design approaches to large-scale subdivisions and commercial development. The purpose of this article is to establish procedures and standards for planned unit developments in order to achieve the following objectives:

- (1) Promote the use of land planning and design techniques that will result in the efficient, economical, and convenient arrangement of differing land uses, including residential and commercial, and their supporting infrastructure;
 - (2) Encourage flexibility in design to retain natural land features, including but not limited to floodplains, steep slopes and unique geological formations as well as historical and archeological areas;
 - (3) Provide the reservation of land for public or private community facilities, including open space for scenic and recreational use; and
 - (4) Encourage the creation of a variety of residential uses and compatible neighborhood arrangements that give the home occupant greater choice in the selection of types of environment and housing units.
- (Ord. No. 89-103, 10-3-89)

Section 2. Definition.

A *planned unit development* is herein defined as a complete development scheme. This scheme should include development programs and plans for all land and structural improvements within the planned area and should be in accord with the comprehensive plan and other such guidelines and objective as may be established by the city council. Such development may be permitted on tracts of at least ten (10) acres which are under unified ownership or control.

*Editor's note – Ord. No. 89-103, adopted October 3, 1989, amended Art. 26, § 1-6, to read as herein set out with similar provisions in §§ 1-9; § 3 of said former Art. 26 was amended by Ord. No. 85-105, adopted Oct. 1, 1985; the remaining sections (1 and 2, and 4-6) bore no history notes.

Notwithstanding the provisions of this section, an application for a planned unit development on a tract of land less than ten (10) acres may be filed, and a public hearing shall be held thereon as hereinafter provided, but no recommendation for approval of such an application shall be given by the planning commission unless the commission shall find, upon a showing by the land-owner, that the minimum number of acres required should be waived because a planned unit development is in the public interest and that one or more of the following conditions exist:

- (1) Because of unusual features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographic feature of importance to the city;
- (2) The property or its neighborhood possesses an historical character, that is of importance to the community, which will be preserved and protected by a planned unit development; or
- (3) The property is adjacent to or across the street from property which has been developed or redeveloped under the Planned Unit Development District, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring property.

(Ord. No. 89-103, 10-3-89)

Section 3. Application.

In areas where a planned unit development is contemplated, the owner or owners shall file an application for inclusion of the area within a PUD zone. Such applications should be filed with the planning commission accompanied by a fee as established by the city council. Such applications shall be accepted for consideration under the following conditions:

- (1) The area proposed shall be in unified ownership or control and the application filed jointly by all of the owners of the properties included in the plan;
- (2) The plan should consider and work toward the implementation of the purposes of the planned unit development zoning district established in this article.

(Ord. No. 89-103, 10-3-89)

Section 4. Data to accompany application.

Together with the application for zoning reclassification of the area and evidence of unified control of the proposed development unit, the following information shall be submitted in triplicate:

- (1) A map or maps showing the proposed development in relation to its surrounding area depicting relative size and location of streets, utilities, schools and commercial facilities expected to serve the area;
- (2) A summary and report covering soil conditions, drainage, topography, location and character of surface water and other such information as may be required to determine if the site is suitable for unit development without hazards to occupants or adjoining properties;
- (3) An overall preliminary development plan which shall show:
 - a. Proposed major vehicular and pedestrian circulation systems;
 - b. Proposed land uses of each lot or tract within the development;
 - c. Proposed reservations for parks, parkways, playgrounds, school sites and other community facilities, including open spaces;
 - d. Relationship to existing land uses in the surrounding areas;
 - e. Proposed landscaping which shall be intended to provide shading, screening, erosion and sedimentation control and a sense of privacy and separation between uses;
 - f. Proposed numbers and size of parking spaces, parking lot surfaces and landscaping of parking lots as required by article 19 of the zoning ordinance; and
 - g. Proposed locations and dimensions of commercial signage.
- (4) A development schedule of the project if planned in stages.

All maps should be four-hundred-foot scale or less to the inch. Illustrations at this stage may be in generalized form; nothing herein contained shall be deemed to forbid or discourage informal consultations between the developer and the staff of the planning department prior to the filing of an application provided that no statement or representation by a member of the staff shall be binding upon the planning commission or city council. (Ord. No. 89-103, 10-3-89)

Section 5. Planning commission consideration.

Upon receipt of an application for a planned unit development meeting the foregoing requirements, the planning commission shall take the same under consideration after review and recommendations by other city departments. The commission shall consider the general plan of the development using as its guide the comprehensive plan, zoning ordinance and other such guides and objectives as established by city council.

Upon review of the tentative plan, the commission shall advertise the proposed planned unit development for public hearing in accordance with the provisions of article 28 of the zoning ordinance.

The commission may recommend approval of the final plan as submitted or, before taking action, may recommend that the applicant modify, alter adjust or amend the plan.

The planning commission may designate divisible geographic sections of the entire parcel to be developed as a planned unit development and shall, in such case, specify reasonable periods within which development of each such section must be commenced and may permit in each section deviations from the number of dwelling units per acre established for the entire planned unit development provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned unit development is not affected. The period of the entire development and the commencement date for each section thereof may be modified from time to time by the planning commission upon the showing of good cause by the developer. The developer shall make such easements, covenants and other arrangements as may be determined by the planning commission to be reasonably required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of said plan before completion. (Ord. No. 89-103, 10-3-89)

Section 6. Final consideration.

The planned unit proposal shall be presented to the city council in accordance with article 28 of the zoning ordinance. If the planned unit development is approved by the city council, the developer before beginning development shall submit final plans phase by phase to the city planning department for staff review and approval. Department approval shall be based on substantial compliance with the comprehensive plan, guides, objective and other such standards as may be established by city council. No building permits or certificates of occupancy shall be issued until final approval of the development plans is given by the department of planning. No structure or use other than those indicated on final approval plans shall be permitted. (Ord. No. 89-103, 10-3-89)

Section 7. Amendment.

An approved plan of development for a planned unit development may be amended in concept or in minor details by application by the owner, owners or an authorized representative of same:

- (1) Where the proposed change is not clearly in keeping with the concept of the plan of development as approved by city council, such change or amendment shall be approved only in the manner of approval of the original plan of development. Any changes to housing type, density, allowed land uses, open space area, type of community facilities, method of management of common land and facilities, location of any of the elements or overall design layout shall be considered to be changes in concept.
- (2) Where the proposed change is one of minor detail, the planning director may approve an amendment to the plan of development, upon being presented a written request clearly stating the nature and reason for the proposed change, including any necessary graphic representations. Changes in the location or design of structures, but not number and height, street utilities, parking, community facilities and landscaping shall be considered to be changes of minor detail. (Ord. No. 89-103, 10-3-89)

Section 8. Abandonment.

A development plan or section thereof, after being given final approval, shall be declared abandoned after the applicant or his successors notify the city council in writing of said abandonment or in the event the applicant or his successors fail to commence the planned unit development within two (2) years after final approval has been granted. The applicant or his successor, however, may be granted by city council upon recommendation by the planning commission a single extension of two (2) year in which to commence construction provided the applicant or his successor submits a written request and demonstrates good cause for such extension. Upon termination of an approved plan of development, the remaining undeveloped property shall automatically revert to the original zoning, and the planning commission shall determine if the zoning classification of the developed portion of the planned unit development shall be revised to reflect any changes brought by the proposed development. (Ord. No. 89-103, 10-3-89)

Section 9. Exemption of currently approved PUD.

This ordinance shall become effective immediately provided, however, that any currently approved planned unit developed shall be governed by the terms of the city's planned unit development ordinance in effect prior to the passage of this article. (Ord. No. 89-103, 10-3-89)

ARTICLE 26A. CONDITIONAL ZONING**Section 1. Declaration of policy.**

It is the policy of the city in accordance with the provisions of Article 2 to provide for the orderly development of land, for all purposes, through zoning and other land development regulation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses, and at the same time to recognize effects of change. It is the purpose of this article to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly

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Section 2. Conditions as part of rezoning or amendment to zoning map.

Any applicant may proffer in writing any reasonable conditions, prior to a public hearing before the city council, in addition to the regulations provided for within the rezoning district by this chapter, as part of a rezoning or amendment to the zoning map; provided that:

- (1) The rezoning itself must give rise for the need for the conditions;
- (2) Such conditions shall have a reasonable relation to the rezoning;
- (3) Such conditions shall not include a cash contribution to the city;
- (4) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for;
- (5) Such conditions shall no include payment for or construction of off-site improvements except those provided for in City Codes;
- (6) No conditions shall be proffered that are not related to the physical development or physical operation of the property; and
- (7) All such conditions shall be in conformity with the general plan as defined in proffers.

A draft of all of the applicant's proffers shall be submitted as part of the application in a format established by the zoning administrator. The city council reserves the right to reject or amend any proffer prior to making a decision on the map amendment to the zoning ordinance.

Prior to final action by the city council, the proffers shall be completed and signed by the applicant and shall be binding on the applicant once the application is approved. (Ord. No. 86-90, § 2, 10-7-86)

Section 3. Enforcement and guarantees.

The zoning administrator shall be vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to a rezoning or amendment to the zoning map, including:

- (1) The ordering in writing of the remedy of any noncompliance with such conditions;
- (2) The bringing of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding; and
- (3) Requiring a guarantee, satisfactory to the city council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the city, upon the submission of satisfactory evidence that construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by the city, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy or building permits. (Ord. No. 86-90, § 2, 10-7-86)

Section 4. Zoning map to show conditions; conditional zoning index.

The zoning map shall show by an appropriate symbol, the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions, in addition to the regulations provided for in a particular zoning district or zone. (Ord. No. 86-90, § 2, 10-7-86)

Section 5. Petition for review of decision.

Any zoning applicant who is aggrieved by the decision of the zoning administrator pursuant to the provisions of Article 27 may petition the board of zoning appeals for the review of the decision of the zoning administrator. (Ord. No. 86-90, § 2, 10-7-86)

Section 6. Amendments and variations of conditions.

There shall be no amendment or variation of conditions created pursuant to the provisions of Article 26A until after a public hearing before the city council advertised pursuant to the provisions of Article 28. (Ord. No. 86-90, § 2, 10-7-86)

ARTICLE 27. THE BOARD OF ZONING APPEALS**Section 1. Organization.**

(1) In accordance with the provisions of the Code of Virginia, the board of zoning appeals heretofore established for the City of Petersburg, is hereby continued. The word “board” when used in this chapter [appendix] shall be construed to mean the board of zoning appeals.

(2) The board shall consist of five (5) residents of the City of Petersburg, appointed by the judge of Hustings Court of Petersburg. Their terms of office shall be for five (5) years each, except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the city, except that one may be a member of the city planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

Section 2. Rules, meetings and records.

(1) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the action of the board, and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(2) All actions of the board shall be by resolution. The concurring vote of three (3) members of the board shall be necessary to reserve [reverse] any order, requirement, decision or determination of the building inspector, or to decide in favor of the applicant on any matter upon which it is required to pass, under this ordinance, or to effect any variation in the requirements of this ordinance.

(3) The board may call on the city departments for assistance in the performance of its duties; and it shall be the duty of such departments to render such assistance to the board as may reasonably be required.

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Section 3. Appeals and hearings.

(1) An application to the board of zoning appeals, in cases in which it has original jurisdiction under the provisions of this ordinance, may be made by any property owner, or tenant, or by any public officer, department, board or bureau. Such application shall be filed with the building inspector, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the board of zoning appeals.

(2) An appeal to the board of zoning appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Petersburg, affected by any ruling of the building inspector or of any other administrative officer administering any portion of this ordinance. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the board, by filing, with the building inspector and with the board, a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken.

(3) No such variance shall be authorized except after notice and hearing as required by article 28.

Section 4. Powers and duties.

The board of zoning appeals shall have the following powers and duties:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer, in the administration or enforcement of this article or of any ordinance adopted pursuant thereto;

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- (2) To authorize, upon appeal in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith, and where, by reason of exceptional narrowness, shallowness, size or shape, of a specified piece of property at the time of the effective date of the ordinance, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property; or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant; provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variances shall be authorized by the board unless it finds:

- (a) That the strict application of the ordinance would produce undue hardship;
- (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- (c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

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No variance shall be authorized, unless the board finds that the condition or situation of the property concerned, or the intended use of the property, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the public interest; and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

- (3) To hear and decide appeals from the decision of the building inspector, or applications for such special exceptions as may be authorized in the ordinance. The board may imposed such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, and my require a guarantee or bond to insure that the conditions imposed are being, and will continue to be, complied with.

No such special exception may be granted except after notice and hearing as provided in article 28.

- (4) To hear and decide applications for interpretation of the district map, where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by article 28, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance, for the particular section or district in question. The board shall not have the power, however, to rezone property, or substantially to change the locations of district boundaries as established by ordinance.

Section 5. Special use exceptions.

In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of this ordinance as an instrument for fact finding, interpretation, application and adjustment; and to supply the necessary elasticity to its efficient operation; special use exceptions are permitted by the terms of this ordinance. The following buildings and uses are permitted as special exceptions if the board of zoning appeals finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by this ordinance:

- (1) A transitional use between a business or industrial district and a dwelling district, where the side of a lot in a single-family residence district or a two-family residence district abuts upon a lot zoned for business or industrial purposes as follows:
 - (a) On a lot in a single-family residence district which sides upon a lot zoned for business or industrial purposes, the board may permit a two-family dwelling;
 - (b) On a lot in the "R-3" Two-Family Residence District which sides upon a lot zoned for business or industrial purposes, the board may permit a multiple-family dwelling of not more than four (4) dwelling units;
- (2) Where a use district boundary line crosses a lot, a use of either classification on the whole lot;
- (3) Garage for more than four (4) cars, and covering more than nine hundred (900) square feet, in a residence district;
- (4) Commercial greenhouses and nurseries, provided that any structure shall not be less than one hundred (100) feet from all property lines;
- (5) The extraction of earth products, such as rock, gravel and sand;
- (6) The temporary and conditional permits, for a two (2) year period, for the following uses:
 1. Dog kennels, when accessory to a residential use, within the "A" Agricultural District, for up to ten (10) dogs, and within the "R-1A" and R-1" Single-Family Residence Districts only for kennels of four (4) to ten (10) dogs, on parcels of one or more acres in area, and with other conditions which may be imposed by the Board;

2. Cat kennels, when accessory to a residential use, for the keeping or harboring of five (5) to twenty (20) cats;
 3. Riding stables and private stables;
 4. Rifle or pistol range, trap or skeet shooting;
 5. Miniature golf courses and driving ranges;
 6. Raising for sale, of birds, bees, rabbits and other animals, fish and other creatures, when accessory to a residential use;
- (7) The conditional use permit for a single mobile home under the provisions set forth in article 4-A, of the zoning ordinance;
- (8) An off-street parking area in a residence district, where such facility would relieve traffic congestion on the streets, and where said parking lot conforms to the following specifications:
1. The land devoted to parking to be located adjacent to, and within two hundred (200) feet of, a commercial or industrial district;
 2. Walls, fences or planting shall be provided in a manner to afford protection for, and be in harmony with, surrounding residential property;
 3. The same front yard depth restrictions shall be required as are required in the zoning district in which the parking area is located;
 4. All driveways and the area used for the parking of vehicles shall be surfaced with a hard durable, dustproof material, and be properly drained;

5. The area shall be used exclusively for parking of motor vehicles belonging to invitees of the owner or lessees of said lot.
 6. The approval of all plans and specifications for the improvement, surfacing, drainage, entrances and exits, or lights, for said parking area, shall be obtained from the director of public works;
 7. The area shall conform to such other requirements as the board, in the exercise of sound discretion, may require for the protection of surrounding property, persons, and neighborhood values;
- (9) Privately or commercially operated recreational lake, swimming pool, and tennis courts;
 - (10) Off-street parking areas, adjacent to, or at a reasonable distance from, the premises on which parking areas are required by the parking regulations of this ordinance, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises, and where the purpose of this ordinance to relieve congestion in the streets would best be served by permitting such parking off the premises;
 - (11) To waive or reduce the parking and loading requirements in any district, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot;
 - (12) *Repealed (Ordinance 95-95);*
 - (13) Additions or structural alterations to special uses, after they have been approved by the planning commission;
 - (14) To determine, in cases of uncertainty, the classification as to district, of any use not specifically named in this ordinance; provided, however, such use shall be in keeping with uses specifically named in the district regulations;
 - (15) In any "M-2" Heavy Industrial District, those uses which the board is required to pass by article 18, section 3, of this ordinance;
 - (16) An exception to the area limitation in the sign regulations stated in article 21, section 5, subsection (2) of this ordinance, as those regulations pertain to churches or other institutions of religious nature.
 - (17) Family day care homes in residential districts.

- (18) One-chair beauty/barber shops, with the following conditions:
- (a) Operating hours limited to forty (40) per week, Monday through Saturday;
 - (b) No exterior alterations to the residence;
 - (c) Not transferable upon sale or vacation;
 - (d) Approval from the health department;
 - (e) Services by appointment only;
 - (f) No advertising of business with signs; and
 - (g) Only members of the resident family may be employees.

Section 6. Special yard and height exceptions.

The following special yard exceptions, limited as to location and especially in locations described below in this section, are permitted by this ordinance, if the board of zoning appeals finds, that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by this ordinance, and provided such exceptions are approved by the board:

- (1) An exception in the yard regulations on a lot where, on the adjacent lot there is a front, side or rear yard that does not conform with such yard regulations;
- (2) A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds;
- (3) An exception in the depth of rear yard, on a lot in a block where there are nonconforming rear yard conditions;
- (4) An exception where there are irregularities in depths of existing front yards on a street frontage, on the side of a street between two (2) intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth;

Section 7. Variances.

The board of zoning appeals shall have the power to grant the following variances:

- (1) A variation in the yard requirements in any district, so as to relieve practical difficulties or particular hardships in cases when, and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of such piece of property, the strict application of the provisions of this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon, the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of the zoning plan; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable or exceptional hardship, as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice;
- (2) In authorizing a variance, the board may make such modification in the requirements of this ordinance as it may deem necessary to secure an appropriate development of a lot, and may impose such conditions regarding the locations, character and other features of the proposed building, structure or use as it may deem necessary in the interest of furthering the purposes of this ordinance and the public interest.

No such variance in the provisions or requirements of this ordinance shall be authorized by the board unless the board finds, beyond reasonable doubt, that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use of the property, that do not apply generally to other properties or class of uses in the same zoning districts;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;
3. That the authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purpose of this ordinance or the public interest.

No grant of a variance shall be authorized unless the board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations;

- (3) In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made.

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Section 8. Conditional permits.

Where in this ordinance special exceptions are permitted provided they are approved by the board of zoning appeals, where the board is authorized to decide appeals or approve certain uses, and where the board is authorized to approve variances, such approval, decision or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

- (1) No outside advertising structures, except professional signs;
- (2) Limitation of signs as to size, type, color, location or illumination;
- (3) Limitation of outdoor advertising;
- (4) Amount, direction, and location of outdoor lighting;
- (5) Amount and location of off-street parking and loading space;
- (6) Cleaning or painting;
- (7) Gable roof, or other type;
- (8) Connected or disconnected with other buildings;
- (9) Exits, doors, and windows;
- (10) Paving, shrubbery, or ornamental or screening fence or wall;
- (11) Time of day or night for operating;

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- (12) No store front;
- (13) No structural changes;
- (14) Control or elimination of smoke, dust, gas, noise or vibration caused by operations;
- (15) Such other conditions as are necessary.

Section 9. Lapse of special exception or variance.

After the board has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of this ordinance shall thereafter govern.

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ARTICLE 28. CHANGES AND AMENDMENTS**Section 1. [Initiation by motion or council, recommendation by planning commission, or petition of property owner.]**

The city council may, from time to time, amend, supplement, or change by ordinance, the boundaries of the districts, or the regulations herein established. A proposed change of district or text may be initiated by the city council, on its own motion, or in recommendation by the planning commission, or by petition of property owner addressed to the city council. All petitions shall be in writing and shall specify:

- (1) The nature and extent of the change desired;
- (2) Reasons for seeking the change;
- (3) The names and addresses of the owner or owners of all property abutting, and immediately across the street from, the property whose zoning is proposed to be changed; provided, however, that if the petition involves a change of more than twenty-five (25) parcels of land, the provisions of this subsection shall not be required. The petition, and all data pertaining thereto, shall be filed in the office of the clerk at least five (5) days prior to a regular meeting of council.

Section 2. [Planning commission hearing, changes and report; failure to report.]

Before taking any action on any proposed amendment, supplement, or change, the city council shall submit the same to the planning commission for its recommendations and report. The planning commission shall hold at least one public hearing on such proposed amendments, and may make appropriate changes in the proposed amendments, as a result of such hearing. Upon the completion of its work, the planning commission shall present the proposed amendment to the city council, together with its recommendation and any appropriate explanatory materials deemed necessary by the planning commission. The failure of the planning commission to report, within ninety (90) days after the first meeting of the commission after the proposed amendment has been referred to the commission, shall be deemed approval.

Section 3. [Public hearing, notice required for each proposal; greater than majority vote required for amendment.]

Before approving and adopting any amendment to this ordinance, the city council shall hold at least one public hearing thereon, after which the city council may make appropriate changes or corrections in the proposed amendment; provided, that no additional land may be zoned to a different classification than

was contained in the public notice required by this section, without an additional public hearing, after notice as required by this section. An affirmative vote of at least a majority of the members of the city council shall be required to amend any provision of this ordinance.

Section 4. [Notice to be published; signs to be posted, maintained.]

The planning commission shall not recommend, nor shall the city council adopt, any amendment to this ordinance until notice of intention to do so has been published once a week for two (2) successive weeks in a newspaper published, or having general circulation, in the city. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication.

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When a petition for a change in a district classification is filed with the city, the petitioner shall, within five (5) days of that same date, post a sign on each lot included in the petition, stating that a request has been filed with the council for a zoning change, and state the requested classification. Such signs shall be furnished by the building inspector, and shall be located so as to be visible from the street. If the petitioner requests that an entire subdivision of ten (10) or more lots be changed, two (2) signs posted adjacent to each street in the subdivision shall be deemed to be sufficient. Signs on each property shall not be deemed necessary to adopt a new zoning district map for the city.

It shall be the duty of the petitioner or petitioners to maintain, or to replace, the signs if they are obliterated or destroyed, until such time as the council has disposed of the petition.

Section 5. [Notice to be delivered by certified or registered mail to affected property owners, agents, or tenants.]

Except upon application of a property owner or his agent, when a proposed amendment of this ordinance involves a change in the zoning classification of twenty-five (25) or less parcels of land, than in addition to the advertising as required in the preceding paragraph, written notice shall be given at least five (5) days before the hearing to the owner or owners, their agent, or the occupant, of each parcel involved, and to the owners, their agent, or occupant, of all abutting property and property immediately across the street or road from the property affected. Notice sent by registered or certified mail to the last known address of such owner, as shown on the current real estate tax assessment books, shall be deemed adequate compliance with this requirement.

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ARTICLE 29. NEWLY ANNEXED TERRITORY**Section 1. [Automatic temporary zoning.]**

All territory hereafter annexed to the City of Petersburg, Virginia, shall be automatically classified as “R-1A” Single-Family Residence District, until such territory is permanently zoned by the city council of the City of Petersburg. The city council shall, as soon as practicable after annexation, undertake to establish permanent zoning of the said territory, in accordance with the provisions of this ordinance.

ARTICLE 30. CERTIFICATE OF OCCUPANCY**Section 1. [Vacant land.]**

No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the building inspector.

Section 2. [Premises.]

No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, until a certificate of occupancy and compliance shall have been issued by the building inspector, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

Section 3. [Coincident with application for building permit.]

Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building inspector.

Section 4. [Prerequisite for excavation permit.]

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance.

Section 5. [Required for nonconforming use.]

A certificate of occupancy shall be required of all nonconforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed, within twelve (12) months from the effective date of this ordinance, with the building inspector.

ARTICLE 31. PERMITS, PLATS, AND FILING FEES

Section 1. Permits.

No building shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners having obtained a building permit therefore from the building inspector; such permit shall require conformity with the provisions of this ordinance. When issued, such permit shall be valid for a period of six (6) months.

No building permit by the building inspector, lawfully issued prior to the effective date of this ordinance or of any amendment hereto, and which permit by its own terms and provisions is in full force and effect at said date, shall be invalidated by the passage of this ordinance or any such amendment; but shall remain a valid and subsisting permit subject only to its own terms and provisions, and ordinances, rules, and regulations appertaining thereto and in effect at the time of the issuance of said permit; provided, that all such permits shall expire not later than sixty (60) days from the effective date of this ordinance, unless actual construction shall have theretofore begun and continued, pursuant to the terms of said permit.

Section 2. Plats.

All applications for building permits shall be accompanied by a drawing or plat, in duplicate, or as required by the building inspector, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and other such information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor, and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the building inspector, and a duplicate copy shall be kept at the building at all times during construction.

Section 3. [Filing Fees]

(1) All persons, firms, or corporations appealing to the board of zoning appeals, necessitating the publication of notices in the newspaper, shall be required to pay, in advance, fifty dollars (\$50.00) for expenses relative thereto.

(2) All persons, firms or corporations applying for special use permits, under the provisions of article 23, of this ordinance, necessitating the publication of notices in the newspaper, shall be required to pay, in advance, one hundred fifty dollars (\$150.00) for expenses relative thereto.

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(3) All persons, firms or corporations applying for an amendment to the zoning ordinance, or a change in the classification of the district or a portion thereof, necessitating the publication of notices in the newspaper, shall be required to pay, in advance, two hundred dollars (\$200.00) for expenses relative thereto.

(4) The payment of such money in advance to the city clerk shall be deemed a condition precedent to the consideration of such appeal, special permit or amendment. (Ord. No. 85-105, § § II, III, 10-1-85)

**ARTICLE 32. INTERPRETATION, PURPOSE
AND CONFLICT**

Section 1. [Ordinance to be minimum requirements; error or omission in zoning map.]

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this ordinance to interfere with, or abrogate or annul, any easements, covenants, or other agreement between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern. If, because of error or omission in the zoning district map, any property in the City of Petersburg is not shown as being a zoning district, the classification of such property shall be classified "R-1" Single-Family Residence District, until changed by amendment.

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ARTICLE 33. ENFORCEMENT, VIOLATION AND PENALTIES

Section 1. [Duty of Zoning Administrator, police and other city officers.]

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance, and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of said ordinance. It shall also be the duty of all officers and employees of the city, and especially of all members of the police department, to assist the Zoning Administrator by reporting to him any seeming violation in new construction, reconstruction, or land uses.

Section 2. [Authority of Zoning Administrator to deal with violations.]

In any case any building is erected, constructed, reconstructed, altered, repaired or converted, or any building or land is used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

Section 3. [Penalty.]

Any person or corporation who shall violate any of the provisions of this ordinance, or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000). The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided.

ARTICLE 34. VALIDITY AND EFFECTIVE DATE*

Section 1. [Saving clause.]

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 2. [Previous zoning ordinances repealed.]

All zoning ordinance heretofore adopted by the city council of the City of Petersburg, are hereby repealed.

Section 3. Effective date.

This ordinance shall be effective from and after July 1, 1971.

ARTICLE 35. PRESERVATION OF HISTORICAL AREAS WITHIN THE CITY

Section 1. Purpose and objectives.

The purpose and objectives of this article are to promote, within the historic areas hereby established, the educational, cultural, business, travel, industrial and other economic resources and the general welfare of the City of Petersburg, by preserving and protecting the old, historic or architecturally worthy buildings, structures, places and areas, as provided by Section 15.1-503.2 of the 1950 Code of Virginia, as amended.

Additional purposes of this article are to stabilize and improve property value in the historic areas, and to encourage new building and development that will be harmonious with the existing historic features, but will not necessarily be of the same architectural style. The purpose is to develop the historic areas, not in vacuum, but as a vital area in which each succeeding generation may build with the quality and sensitivity of past generations.

Section 2. Definitions.

For the purposes of this article, the following definitions shall apply:

Historic area. Historic area means an area containing buildings or places in which historic events occurred, or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Structure. Anything man-made, including, but not limited to, main buildings, outbuildings, fences, walls, lamp posts, light fixtures, signs, signposts, billboards and paving.

Section 3. Historic areas.

There are hereby created several areas to be known as "historic areas." The historic areas are delineated on a map hereinafter called the "historic areas zoning map," which is hereby made a part of this article. Additions and amendments to this map shall be made in accordance Section 15.1-486, of the Code of Virginia, as amended.

*Editor's note – Section 3, Effective date, of Art. 34, had been designated by the city as Art. 35; inasmuch as this designation was duplicated by Art. 35, Preservation of Historical Areas . . . , the effective date provisions have been included in Art. 34, at the editor's discretion.

The requirements placed on property located within historic areas by this article shall be co-extensive with, and in addition to, the requirements set out in articles 1 through 34 of the Petersburg zoning ordinance.

Section 3.1. Criteria for the expansion or establishment of additional historic zoning areas.

Expanded or additional historic zoning areas may be established to designate and protect properties that include areas, individual structures, and archaeological sites of historic, architectural, or cultural significance. In establishing such areas, it must be determined that the property, structure, or area meets at least one of the following criteria:

- (1) Possesses character, interest, or value as part of the development, heritage, or cultural characteristics of the community, state, or country;
- (2) Is a site of a significant local, state, or national event;
- (3) Is clearly identified with a person or persons who significantly contributed to the development of the community, state, or country;
- (4) Embodies the distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (5) Is identified as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, state, or country;
- (6) Embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (7) Embodies design characteristics that make it structurally or architecturally significant;
- (8) Occupies a unique location or possesses singular physical characteristics that make it an established or familiar visual feature;
- (9) Provides for a landscape unit needed to control potentially adverse influences on lands closely related to and bearing upon the character of historic site or sites. (Ord. No. 87-08, 1-20-87)

Section 3.2. Procedure for the establishment or expansion of historic zoning areas.

Additions and expansions to historic zoning areas may be initiated by resolution of city council, or motion of the planning commission, or by petition of the owner or the owner's agent. Additionally, the architectural review board may recommend such initiation to the city council or planning commission. As a part of the city council's consideration of the expansion of existing areas or creation of additional areas, it may review reports prepared by the department of planning and the architectural review board along with the information relevant to the determination of the appropriateness of such proposed expansion and additions. (Ord. No. 870-08, 1-20-87)

Section 4. Architectural review board – Creation.

For the purposes of administering the provisions of this article, there is hereby created a board to be known as the "Architectural Review Board." This board shall be composed of seven (7) members who have a demonstrated interest, competence, or knowledge in historic preservation. At least one member shall be an architect and at least two members shall have professional training or equivalent experience in architecture, history, architectural history, archaeology or planning. The members shall be residents or business owners in the City of Petersburg, with the exception that the architect member does not have to reside or own a business in the City. (Ord. No. 11-Ord-87, 9-06-11)

Section 5. Same – Terms of members; quorums; and officers.

Of the members of the architectural review board first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, and three (3) for a term of three (3) years. Thereafter, members shall be appointed for a term of three (3) years, respectively. A vacancy occurring in the membership of the board for any cause shall be filled within sixty (60) days of its occurrence and, if occurring during the term, for the unexpired portion of the term. Four (4) members of the architectural review board present and voting shall constitute a quorum. At the first meeting of the architectural review board, the members, by majority vote, shall elect one of its members to serve as chairman. Thereafter, a chairman shall be elected annually at the first meeting to be held on or after July 1st, in each year. Similarly, the members shall elect a vice-chairman and secretary. The secretary may or may not be a member of the board. (Ord. No. 87-08, 1-20-87)

Section 6. Certificate of appropriateness; requirements before issuance of building permit, or commencement of work not requiring a permit.

No building permit under the provisions of the building code shall hereafter be issued for the erection, construction, alteration or restoration of the exterior of any building or structure, including signs, or part thereof, within a historic area, unless and until the applicant shall have secured a certificate of appropriateness from the architectural review board. No work, such as, but not limited to, painting which does not require a building permit, but would substantially alter the exterior appearance of any building or structure within a historic area, shall be commenced, unless and until the applicant shall have secured a certificate of appropriateness from the architectural review board.

These requirements shall not apply when the work proposed would not be subject to public view from a street or other public place.

Section 7. Elements of architectural compatibility to be considered in passing upon certificates of appropriateness.

The architectural review board shall consider the following elements of architectural compatibility in consideration of issuance of a certificate of appropriateness to an applicant:

- (1) General design;
- (2) Character and appropriateness of design;
- (3) Form;
- (4) Proportion and scale;
- (5) Mass;
- (6) Configuration;
- (7) Arrangement;
- (8) Texture;
- (9) Material;

- (10) Color;
- (11) The relationship of such elements to similar features of structures in the immediate surroundings;
- (12) Prevention of developments which are not in harmony with prevailing characteristics, or which are obviously incongruous with the character of the historic area.

Section 8. Temporary certificates of appropriateness.

The architectural review board may, at its discretion, issue a temporary certificate of appropriateness to an applicant who does not meet the necessary requirements of architectural compatibility, but only if the applicant meets all of the following requirements:

- (1) Strict application of this article would produce undue hardship;
- (2) The proposed work would not be of such a permanent nature as to preclude future activity which would meet compatibility compliance;
- (3) No such temporary certificate shall be issued to allow the proposed work to exist for a period longer than five (5) years.

Section 9. Applications for certificates.

An applicant for a certificate of appropriateness regarding proposed erection, construction, alteration or restoration of any structure located within a historic area shall submit, to the architectural review board, all relevant information concerning the proposal and reasonably requested by the architectural review board. Such information may include, but need not be limited to, samples of materials and colors, photographs, prospective views, exterior elevations, plot plans and outline specifications.

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Section 10. Board actions on applications.

Applications for certificates of appropriateness shall be filed in writing with the secretary of the architectural review board. Within thirty (30) days of receipt of an application by the secretary of the board, the board shall meet to review the application in accordance with the applicable sections of this article.

Within thirty (30) days after the date that the board first reviews the application, the board shall decide whether or not to issue a certificate of appropriateness.

In any event, if no decision has been made by the architectural review board within sixty (60) days after the secretary has received the application, and no mutual agreement between the applicant and the architectural review board has been made for the extension of this time period, the secretary of the board shall submit the application to the clerk of council and council shall review the application, in the same manner as if a decision of the architectural review board had been appealed.

Section 11. Notification of issuance of certificate of appropriateness.

If the architectural review board approves an application, it shall record its reasons therefore in its minutes, issue a certificate of appropriateness signed by the secretary of the board, attach the certificate to the application, and transfer the application, with the attached certificate, to the zoning administrator and the building inspector. Upon receipt thereof, if applicable, the building inspector shall issue a building permit in the usual manner.

If the architectural review board disapproves an application, it shall state its reasons for doing so and shall transmit a record of the reasons to the applicant, the zoning administrator, and the building inspector. At any time after disapproval, the applicant may resubmit an application, with or without amendments, which shall be processed in the same manner as set forth in this article.

Section 12. Zoning administrator and building inspector to enforce provisions of this article.

The zoning administrator and the building inspector shall enforce the provisions of this article.

Section 13. Appeals from the board to city council.

Whenever the architectural review board shall, in a final decision, deny an applicant a certificate of appropriateness, the applicant shall have the right to appeal to and be heard before city council, provided he files with the clerk of council, on or before thirty (30) days after the decision of the board, a notice, in writing, of his intention to appeal. Upon receipt of such notice, the clerk of council shall forthwith notify the city manager, who shall schedule a public hearing before city council at a time not to exceed thirty (30) days after receipt by the clerk of such notice.

Opponents to the granting of certificates of appropriateness by the architectural review board, shall have the right to appeal to and be heard before the city council, provided there is filed with the clerk of city council, on or before thirty (30) days after the decision of the board, a written petition indicating the intention to appeal. The same provisions for setting a hearing date as aforesaid shall apply.

On any such appeal, the final decision of the architectural review board shall be stayed, pending the outcome of the appeal before council, except that the filing of the appeal shall not stay the decision of the board if such decision denies the right to raze, move or demolish any historic landmarks, building or structure. The council shall conduct a full and impartial public hearing on the matter before rendering a decision.

The same standards and considerations aforesaid in this article shall be applied by the council as are established for the architectural review board. By majority of those members present and voting, the council may affirm, reverse or modify the decision of the board, in whole or in part. The decision, subject to section 14 of this article, shall be final. If approved, a certificate of appropriateness shall be signed and issued by the clerk of council, and processed in the same manner as if it had been approved by the architectural review board.

Section 14. Appeal to the circuit court to review decision by the city council.

Any person or persons jointly or severally aggrieved by any decision of city council as related to this article, or any taxpayer or any officer, department, board or bureau of the city, may present to the circuit court a petition specifying grounds on which aggrieved, within thirty (30) days after the decision is rendered by city council.

Upon the presentation of such petition, the court shall allow a writ or certiorari to review the decision of the city council, and shall prescribe therein the time within which a return thereto must be made.

The filing of said petition shall stay the decision of the city council, pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of city council, if such decision denies the right to raze, move or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the city council, in whole or in part, if it finds upon review, that the decision of city council is contrary to law, or that its decision is arbitrary and constitutes an abuse of discretion; or it may affirm the decision of city council.

Section 15. Demolition, razing or moving of buildings and structures within a historic area.

The demolition, razing or moving of any building or structure located within a historic area shall be permitted if, and only if, the owner has secured a certificate of appropriateness. The same procedure, relevant guidelines, and appeals process, shall apply for issuance of certificates of appropriateness for demolition, razing or moving, as apply for the erection, construction, alteration, or restoration of buildings or structures, as set out in this article.

Other factors that may be considered by the architectural review board, when deciding upon applications for demolition, razing or moving of a building or a structure, are its historic significance, architectural value, the structure's contribution to the overall façade or appearance of the historic area, or the physical ability to restore the building or structure, considering its present physical condition.

The owner of a building or structure located within a historic area who has been denied, by the architectural review board, and the city council, on appeal, a certificate of appropriateness, to demolish, raze or move a building or structure, as a matter of right shall be entitled to raze, move or demolish such building provided that:

(1) The owner has, for the period of time set forth in the time schedule hereinafter contained, and at a price reasonable related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to the City of Petersburg, or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto; and

(2) That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the city council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell, referred to above. No offer to sell shall be made more than one year after the final decision by the city council, but hereafter the owner may renew his request to city council to approve the razing or demolition of the building or structure. The time schedule for offers to sell shall be as follows:

Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000.00);

Four (4) months when the offering price is twenty-five thousand dollars (\$25,000.00) or more, but less than forty thousand dollars (\$40,000.00);

Five (5) months when the offering price is forty thousand dollars (\$40,000.00) or more, but less than fifty-five thousand dollars (\$55,000.00);

Six (6) months when the offering price is fifty-five thousand dollars (\$55,000.00) or more, but less than seventy-five thousand dollars (\$75,000.00);

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Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000.00) or more, but less than ninety thousand dollars (\$90,000.00); and

Twelve (12) months when the offering price is ninety thousand dollars (\$90,000.00) or more.

Section 16. Protective maintenance required.

The owner of any building or structure, which is located within a historic area, shall keep such structure properly maintained and repaired. The degree of maintenance and repair hereby required, is that degree sufficient to prevent all permanent damage to the structural components and /or the exterior by any foreseeable force, including but not limited to weather, fire and termites. The board is hereby empowered to require such owner to discharge this duty. Acts which the board may require such owner to perform, pursuant to this paragraph, shall include, but shall not be limited to, the following: Exterior painting; replacing broken window panes; securing abandoned structures by boarding up, or otherwise; maintaining a sound roof, eaves and roof gutters; termite treatment, if the board suspects that the structure contains termites. The board is hereby empowered to use whatever legal processes are needed to assure that this duty is discharged fully and properly. The building inspector and zoning administrator, to the extent that their powers permit, shall honor requests made by the board for the purpose of enforcing this paragraph.

Section 17. Enforcement and penalty.

It shall be unlawful, and punishable to the fullest extent permitted by the Code of Virginia, for any person, whether on contract or otherwise, to cause or participate in the construction, demolition, moving, exterior alteration, exterior renovation, or exterior maintenance of any structure in violation of this article. For purposes of this paragraph, each day that such violation continues shall constitute a separate violation of this article.

In addition, any violator of this article may be enjoined by any court having jurisdiction, and, as a part of such equitable relief, any person found to be in violation of this article may be required, at his own expense, to remove all nonconforming work and material from the structure, and/or to restore the structure to its appearance immediately prior to the time that such unauthorized work began.

Section 18. City codes and ordinances.

Nothing in this article shall be construed to prevent the application of the building code or other laws and ordinances applicable thereto.

Section 19. Validity.

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance [article] shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance [article] as whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 20. Effective date.

This article shall take effect and be in force from and after its adoption, the public welfare requiring it.

ARTICLE 36. HISTORIC BUILDINGS***[Section 1. Purpose.]**

Be it ordained by city council of the City of Petersburg that it hereby empowers the architectural review board, as established by article 35, section 4, of the zoning ordinance of the city, to certify historically and architecturally significant buildings within said city as “Petersburg historic buildings,” and to issue official plaques to owners of such buildings. (Ord. No. 7685, 8-1-78)

[Section 2. Qualifications.]

Requirements for qualifications as “Petersburg historic buildings” are as follows:

- (1) The building must be sixty (60) years of age, or older;
- (2) The exterior façade of the building must be restored to the original. Original facades may include additions or alterations made to the building, which do not detract from its architectural significance;
- (3) The building must be of architectural or historic significance, and listed upon the survey of historic structures of the City of Petersburg. (Ord. No. 7685, 8-1-78)

[Section 3. Applications.]

The architectural review board shall receive applications from owners who desire their buildings to be so certified. Included in such application shall be information that the board may require in order to make a determination in accordance with the requirements listed above. (Ord. No. 7685, 8-1-78)

*Editor's note – Ord. No. 7685, adopted Aug. 1, 1978, did not expressly amend the zoning ordinance; hence, designation of said ordinance as Art. 36, § 1 – 5. of App. A, was at the editor's discretion.

[Section 4. Notification; fee; placement of plaque; revocation.]

Applicants shall be notified as to the decision of the board, by its secretary. Those owners whose buildings are certified by the board shall cause the certification documents to be recorded in the clerk's office of the circuit court of the city; the clerk to charge such reasonable fee as is necessary to defray the cost of recordation. Upon evidence of recordation, and payment to the city collector of ten dollars (\$10.00), the board shall issue an official Petersburg historic building plaque to the owner. The owner shall place this plaque upon the building so designated, in the location and in the manner as prescribed by the board, within thirty (30) days of receipt thereof. The plaque so issued shall remain the property of the City of Petersburg, and, in any case where the plaque is not placed in the manner as prescribed by the board, the board shall take action to regain possession of the plaque. (Ord. No. 7685, 8-1-78)

[Section 5. Maintenance of building; rescission of designation.]

Owners of "Petersburg historic buildings" shall maintain the exterior façade of such buildings in the condition and appearance such variance from this condition, the board may, by appropriate proceedings, rescind the historic building designation, and regain possession of the plaque. (Ord. No. 7685, 8-1-78)

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