



City of Petersburg Virginia

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City Council Meeting

January 21, 2025
Petersburg Library
201 W. Washington Street
Petersburg, VA 23803
5:00 PM

City Council

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Marlow Jones, Councilor – Ward 1
Charles Cuthbert, Jr., Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6
Arnold Westbrook, Jr., Councilor – Ward 7

City Administration

John "March" Altman, Jr. - City Manager
Anthony Williams - City Attorney
Tangi R. Hill - City Clerk

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Responses to Previous Public Information Posted**
 6. **Proclamations/Recognitions/Presentation of Ceremonial Proclamations**
 7. **Presentations**
 - a. Presentation of the 2024 ACFR By Robinson, Farmer & Cox
 - b. City of Petersburg Public Schools Audit
 8. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes of Previous Meetings: - Pages 4-8
January 7, 2025 City Council Organizational Meeting
January 7, 2025 City Council Closed Session
 9. **Official Public Hearings**
 - a. Public Hearing and Consideration of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to Providing Additional Flexibility for Placement of Sandwich Board Signs in Downtown Petersburg - Pages 9-35
 - b. A Public Hearing and Consideration of an Ordinance Recommending Revocation of Special Use Permit Granted to Michael and Nina Stanley to Operate a Stand-Alone Used Vehicle Sales Lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for Failure to Comply with Conditions of Approval - Pages 36-55
 - c. A Public Hearing and Consideration of an Amendment and Readoption of Chapter 50, Article II of the City Code Pertaining to Noise - Pages 56-77
 - d. A Public Hearing and Consideration of an Ordinance for Appropriation of the Virginia State University Public Health Institute (VSUPHI) Health Disparities Grant - Pages 78-81
 - e. A Public Hearing and Consideration of an Ordinance for Appropriation of the VDEM Emergency Management Performance Grant - Pages 82-83

- f. A Public Hearing and Consideration of an Ordinance for Appropriation of the 2024 Operation Ceasefire Grant Program for the Commonwealth Attorney's Office - Pages 84-88
- g. A Public Hearing and Consideration of an Ordinance for Appropriation of the FY25 DMV Selective Enforcement Police Traffic Services Grant - Pages 89-91
- h. A Public Hearing and Consideration of an Ordinance for Appropriation of the FY25 DMV Selective Enforcement Alcohol Grant - Pages 92-95
- i. A Public Hearing and Consideration of an Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$1,900,000 - Pages 96-97
- j. A Public Hearing and Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003 - Pages 98-107

10. Public Information Period

A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:

- a. **First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,**
- b. **Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting removed from consent agenda**

11. Business or reports from the Mayor or other Members of City Council

12. Items removed from Consent Agenda

13. Finance and Budget Report

- a. Department of Finance Monthly Update - Pages 108-114

14. Unfinished Business

- a. An Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs - Pages 115-156
- b. An Ordinance to Amend and Readopt Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Data Center Uses - Pages 157-209

15. New Business

- a. A Resolution Supporting the Partnership Between the City of Petersburg and Virginia State University to Enhance the Tree Canopy and Provide Educational Opportunities in Poplar Lawn Park Via a Gift of \$56,000 to the City of Petersburg Provided Through Virginia State University and From the Department of Forestry - Pages 210-211

- b. A Resolution for City Council to Accept a Donation for Investigation and Implementation of a Pilot Tree Planting Project on E Washington Street Through a Grant Received by the Crater Planning District Commission - Pages 212-213
- c. Resolution of City Council to Provide a 20 Percent Match from Non-State or Federal Funds for a Department of Rail and Public Transportation Grant for the Demonstration Project Assistance Program to Create a Trolley Route to Healthy Food and Green Spaces to Include the Petersburg National Battlefield - Pages 214-216

16. City Manager's Report and Special Reports

17. Business or reports from the Clerk

18. Business or reports from the City Attorney

19. Adjournment



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025
TO: The Honorable Mayor and Members of City Council
THROUGH:
FROM:
RE: Minutes of Previous Meetings: - Pages 4-8
January 7, 2025 City Council Organizational Meeting
January 7, 2025 City Council Closed Session

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. January 7 2025 Organizational Meeting
2. January 7 2025 Closed Session Minutes

The Special Meeting Petersburg City Council was held on Tuesday, January 7, 2025, at the Petersburg Public Library. Mayor Parham called the Organizational Meeting to order at 3:04 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/325109>.

1. ROLL CALL

Present: Council Member Charles H. Cuthbert, Jr
Council Member Howard Myers
Council Member Arnold Westbrook, Jr.
Council Member Smith-Lee
Vice Mayor Darrin Hill
Mayor Samuel Parham

Absent: Council Member Marlow Jones

Present from City Administration:
City Manager John March Altman, Jr.
City Attorney Anthony Williams
City Clerk Tangi R. Hill (Via Telephone)

2. DETERMINATION OF THE PRESENCE OF A QUORUM

A quorum was determined with the presence of the City Council members.

3. BUSINESS OR REPORTS FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL

Nomination and Appointment of Mayor

Nomination and Appointment of Vice Mayor

Consideration of a Resolution to Amend and Readopt the Rules of the City of Petersburg Council

Mayor Parham recognized Council Member Myers.

Council Member Myers made a motion to appoint Samuel Parham as Mayor, Darrin Hill as Vice Mayor, and not to make any changes to the Rules of the City of Petersburg Council. Vice Mayor Hill seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Myers, Westbrook, Smith-Lee, Hill, and Parham;
No: N/A; Abstain: N/A

3. ADJOURNMENT:

Vice Mayor Hill made a motion to adjourn the meeting. Council Member Myers seconded

the motion.

There was no discussion on the motion. All members of Council present voted in the affirmative.

City Council adjourned at 3:05 p.m.

DRAFT

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, December 17, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:31 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/325112>.

1. ROLL CALL

Present: Council Member Charles H. Cuthbert, Jr
Council Member Marlow Jones
Council Member Howard Myers
Council Member Arnold Westbrook
Council Member Annette Smith-Lee
Vice Mayor Darrin Hill
Mayor Samuel Parham

Present from City Administration:
City Manager John March Altman, Jr.
City Attorney Anthony Williams
City Clerk Tangi R. Hill

2. CLOSED SESSION

The purpose of this meeting is to convene in the closed session pursuant to: a). §2.2-3711(A)(3) of the Code of Virginia for the Purpose of Discussion or Consideration of the Acquisition of Real Property for a Public Purpose and the Disposition of Publicly Held Real Property Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body, Specifically Including But Not Limited to the Acquisition and Disposition of Real Property.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Smith-Lee seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Council entered into Closed Session at 3:32 p.m.

CERTIFICATION

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should state prior to the vote indicating the substance for

departure in which he believes has occurred. This requires a roll call vote Mr. Mayor.”

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Westbrook seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

2025-RES-1 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 5:05 p.m.

3. ADJOURNMENT:

City Council adjourned at 5:05 p.m.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing and Consideration of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to Providing Additional Flexibility for Placement of Sandwich Board Signs in Downtown Petersburg - Pages 9-35**

PURPOSE: To allow more flexibility in Petersburg's downtown for the location of sandwich board/a-frame signs.

REASON: In March 2024, Council approved to allow, but regulate, sandwich board signs. Council has asked that this item come back to allow for more flexibility for signs located within Petersburg's downtown.

RECOMMENDATION: Approval

BACKGROUND: In March 2024, Council approved to allow, but regulate, sandwich board signs. In September 2024, Council asked to rescind zoning regulations related to sandwich board signs. After the October 2024 work session, Council clarified a desire for more flexibility in sign locations within Petersburg's downtown. Staff worked with Planning Commission in November to get recommendations, which are being presented today.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Sandwich Board Memo
2. Sandwich Board Presentation
3. Ordinance
4. Modified Ordinance Language



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: January 2025
TO: City Council
FROM: Planning Commission
RE: 2024-ZTA-12: Consideration of an ordinance approving to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to providing additional flexibility for placement of sandwich board signs in Downtown Petersburg.

SUMMARY: This text amendment is proposed to allow more flexibility in the location of sandwich board signs in downtown Petersburg.

BACKGROUND: Starting in December 2023, Planning Commission began consideration of allowing and regulating sandwich board signs. In February 2024, Planning Commission recommended approval to make sandwich board signs legal with regulations (size, location, etc.). City Council then, in March 2024, approved the ordinance to allow sandwich board signs. In September 2024, City Council made a motion to eliminate zoning regulations on sandwich board signs. This action would have made sandwich board signs illegal again per the attached memorandum to City Council. Upon discussion during a work session meeting in October 2024, Council clarified that their desire was to allow more flexibility for sandwich board signs in downtown Petersburg and not to make them illegal. This text amendment is to propose such flexibility.

Staff proposed two options for Planning Commission consideration at the November 2024 Planning Commission meeting to allow more flexibility in Petersburg's Downtown (as the boundary is defined in the Petersburg Downtown Plan).

Planning Commission requested the edit be made to allow any lawful commercial use to have one sign on their property (as currently permitted) and a second sign anywhere else within the downtown district, as defined below, within the public right-of-way.

Figure 1. Downtown Study Area



Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east).

Below are the options proposed to Planning Commission by staff:

OPTION 1 – Shared Sign

- a. If two or more businesses desire to have a collective sandwich board sign that provides directional information to their establishments from a parcel none of which own, those establishments may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.
- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for other establishments.

OR

OPTION 2 – Off Site Sign

- a. If a business desires to locate a sandwich board sign to their establishment on a parcel they do not own, that establishment may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.
- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for another establishment.

RECOMMENDATION: Planning Commission recommends approval of allowing a second sign within the downtown district for lawful commercial establishments. Staff recommended that Planning Commission select one of the previously listed options or a combination of both, yet still limiting each business to only one sign.

CITY COUNCIL
MEETING

JANUARY 2025

24-ZTA-12

A Public Hearing of an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to providing additional flexibility for placement of sandwich board signs in Downtown Petersburg.

Purpose

To allow more flexibility in the location of sandwich board signs in downtown Petersburg, staff proposed a couple options for action and Planning Commission advanced a separate option.

Background

- February 2024 - Planning Commission recommended approval to make sandwich board signs legal with regulations (size, location, etc.).
- March 2024 – City Council approved the ordinance.
- September 2024 – City Council made a motion to rescind zoning regulations on sandwich board signs.
- October 2024 – Sandwich board signs were discussed in a Council work session, and Council’s interest was clarified around more flexibility for signs downtown.
- November 2024 – Planning Commission heard staff alternatives and decided to advance language to allow establishments to have an additional sign in the right-of-way downtown.

Definition of Downtown

8.9. Within Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east), some flexibility to 2.a. and b. of this section is allowed as outlined below. All other regulations of this section apply to include the limit of one (1) sandwich board sign per business.

* 2.a. and b. State that sign needs to locate on the parcel of the business or within the ROW just outside of the business.

Downtown

As defined in the
Petersburg
Downtown Plan.

Figure 1. Downtown Study Area



--- Study Area Boundary

0 0.05 0.125 0.25 miles



New Sandwich Sign Language

In addition to a sandwich board sign allowed per Section 2 (a) and 2 (b), a lawful use within any zoning district allowing commercial uses in Downtown Petersburg may place an additional sandwich board sign within Downtown Petersburg, within the public right-of-way, as long as all other requirements outlined in this section are still met.

Recommendation

Planning Commission recommends approval of allowing a second sign within the downtown district for lawful, commercial establishments.

Staff recommended that Planning Commission select one of the staff provided options or a combination of both, yet still limiting each business to only one sign.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting the Zoning Ordinance of the City of Petersburg pertaining to providing additional flexibility for placement of sandwich board signs in Downtown Petersburg.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

Option 1 – Shared Sign

- a. If two or more businesses desire to have a collective sandwich board sign that provides directional information to their establishments from a parcel none of which own, those establishments may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.

- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for other establishments.

Option 2 – Sign off Site

- a. If a business desires to locate a sandwich board sign to their establishment on a parcel they do not own, that establishment may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.

- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for another establishment.

AN ORDINANCE APPROVING AN AMENDMENT TO AND READOPTION OF THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO PROVIDING ADDITIONAL FLEXIBILITY FOR PLACEMENT OF SANDWICH BOARD SIGNS IN DOWNTOWN PETERSBURG.

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 21. – Sign Regulations; and

WHEREAS, the purpose of this article is to set forth regulations that govern the construction, alteration, repair, maintenance, and use of all signs, together with their appurtenant and auxiliary devices; and

WHEREAS, The City of Petersburg currently allows sandwich board signs with limitations such as location, size, and materials per 24-O-09; and

WHEREAS, the regulations for sandwich board signs currently limit a businesses to a single sandwich board sign placed directly in front of their own establishment; and

WHEREAS, the City Council seeks to allow additional flexibility in the location of signs in Downtown Petersburg as the area is defined by the Petersburg Downtown Plan; and

WHEREAS, the City Council does not wish to limit businesses to a single sign and is supportive of allowing businesses to have both a sign in front of their own establishment as well as a second off-site sign in Downtown Petersburg; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that City Council does hereby approve an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg to provide additional flexibility for placement of sandwich board signs in Downtown Petersburg.

ARTICLE 21. SIGN REGULATIONS¹

Section 1. Short title.

The regulations contained in this article may be cited as the "sign ordinance."

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 2. Purpose and intent.

- 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.
- 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, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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 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.

¹Editor's note(s)—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.

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- 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 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, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 4. Definitions.

For the purpose of this article, and notwithstanding other provisions elsewhere in this article, 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. 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.
 - b. *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.
 - c. *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.
 - d. *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 33.1-361 of the Code of Virginia.
 - e. *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 § 33.1-369.
 - f. *Sign, face, 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. One side of a double-faced sign, whose sign faces are parallel and are at no point more than two feet

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(Supp. No. 18)

from one another, shall be included in the computation of total sign area; for all other signs with more than one face, each side shall be included in the computation of total sign area.

- g. *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.
- h. *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.
- i. *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 provisions of this article.
- j. *Sign, height.* The vertical distance from the average street grade or from the average lot 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.
- k. *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.
- l. *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).
- m. *Sign, projecting.* Any sign which is attached to and projects more than 12 inches from the face of a wall of a building.
- n. *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.
- o. *Sign, sandwich board.* Portable, freestanding sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sidewalk or A-frame sign.
- p. *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.
- q. *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 12 inches from the building wall.
- r. *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.
- s. *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.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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 Building Code:

- 5.1. One identification sign not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or hours of operation.
- 5.2. Signs identifying municipal or governmental buildings or buildings used for religious purposes, provided such signs are erected upon the building or land upon which such building is located and not exceed 25 feet in area.
- 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.
- 5.4. Temporary real estate signs which advertise the sale, rental or lease of the premises on which such signs are displayed, provided that advertisement display area does not exceed six square feet in residential districts or 16 square feet in commercial or industrial districts. Such signs shall not be illuminated and, if freestanding, shall not be more than six feet in height.
- 5.5. Signs warning the public against trespassing, dangerous animals, swimming or the like, provided such signs do not exceed three square feet in area per sign.
- 5.6. One sign, not more than one square foot in area and not illuminated, identifying a home occupation in any and all zoning districts.
- 5.7. Not more than three construction signs, when placed at the construction site. Such signs shall not be illuminated, shall not exceed 16 square feet in area for each sign, and shall be removed within ten days following completion of construction.
- 5.8. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six square feet in area for each sign.
- 5.9. Commemorative plaques and historic markers recognized by the city.
- 5.10. Yard or garage sale signs displayed on the premises of such sale, provided that such signs shall not exceed six 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.
- 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.
- 5.12. Political campaign signs, including posters, banners, writings, pictures, paintings, lights, models, displays, emblems, notices, illustrations, insignias, symbols, and any other 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 square feet in a residential zone and 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:

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- (a) 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 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:

- (1) The candidate, spokesman or campaign committee;
- (2) The owner of the premises on which the sign is located;
- (3) The person erecting the sign; or
- (4) The person causing erection of the sign.

5.13. Sandwich board signs as defined and regulated within this article.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 6. Prohibited signs.

The following signs shall be prohibited in all districts:

- 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.
- 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.
- 6.3. Any flashing sign.
- 6.4. Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices. Pennants, flags, and 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 B, 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.
- 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.
- 6.6. 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.
- 6.7. All portable or nonstructural signs except for sandwich board signs, which are further regulated in this article.
- 6.8. Roof signs.
- 6.9. Signs advertising activities which are illegal under federal, state, or city laws or regulations.
- 6.10. General advertising signs, except billboard signs as otherwise provided herein.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 7. General regulations.

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

- 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.
- 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 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.
- 7.3. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
- 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 inches.
- 7.5. The sign face of a sign which advertises an activity, business, product or service no longer produced or conducted on the premises where the sign is located may remain in place for not more than 90 days from the date of vacancy by the tenant or owner previously occupying the premises on which the sign is located. An abandoned sign structure may be removed in accordance with section 15.2-2307.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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 \$250,000.00 for injury to any one person, or the sum of \$500,000.00 for injuries arising out of any one accident, and against liability for property damage in an amount not to exceed the sum of \$100,000.00 in any one accident, where 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 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, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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.

- 9.1. In District R-B, regulations shall be established in accordance with article 13, section 2.
- 9.2. The maximum advertising display area for accessory or business signs in the mixed use districts (MSD) shall not exceed 25 square feet.
- 9.3. In District B-1, regulations shall be established in accordance with article 14, section 6.
- 9.4. The maximum advertising display area for accessory or business signs in District B-2 shall not exceed 150 square feet.
- 9.5. The maximum advertising display area for accessory or business signs in District B-3 shall not exceed 125 square feet.
- 9.6. In Districts M-1 and M-2, sign area shall not exceed in the aggregate three 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 350 square feet in area.
- 9.7. No part of any freestanding or projecting sign shall be higher than 25 feet from grade.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 10. Sandwich board signs.

Sandwich board signs are permitted subject to the conditions set out in this section.

1. One (1) sandwich board sign may be located on a property occupied by a per lawful use in any zoning district allowing commercial uses- is allowed, excepting those allowed per Section 10.9.
2. Such sign shall be located:
 - a. Within the same parcel boundaries as the business the sign advertises, OR
 - b. Within the pedestrian right-of-way ONLY when the primary face of the building is less than five (5) feet from the pedestrian right-of-way, or
 - c. Within the closest, main pedestrian right-of-way to the business establishment when a business fronts an alley.
 - d. Any sign within the pedestrian right-of-way shall allow for at least a thirty-six (36) inch wide clearance.
 - e. Sandwich board signs shall not be located in any required off-street parking space, driveway, alley, curb ramp, or fire lane.
3. The sign shall not exceed four (4) feet in height and three (3) feet in width.
4. Signs are to be constructed of plastic, metal, or other similar weather-resistant materials, and shall be maintained in a neat and orderly condition. Use of plywood, cardboard, or paper shall be prohibited.
5. Signs shall not be lighted or flashing in any manner.
6. No attachments such as pennants, balloons, etc. are allowed unless otherwise permitted.

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7. Sandwich board signs are only to be displayed during the business establishment's hours of operation to include additional time before and after formal operation, while businesses set-up and break-down.
 8. Sandwich board signs are not subject to Chapter 98. Article III. Section 98-124 (a).
 9. Within Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east), some flexibility to 2(a) and 2(b) of this section is allowed as outlined below. All other regulations of this section apply.
 - a. In addition to a sandwich board sign allowed per Section 2 (a) and 2 (b), a lawful use within any zoning district allowing commercial uses in Downtown Petersburg may place an additional sandwich board sign within Downtown Petersburg, within the public right-of-way, as long as all other requirements outlined in this section are still met.

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. Sandwich board signs are not subject to this review.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 12. Maintenance.

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 chapter.

12.2. Except as otherwise provided herein, 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 official shall order that such sign be properly maintained, repaired, made safe, or removed. Such order shall be complied with within ten 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.

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, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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 article including article 3, nonconforming billboard signs shall be governed by section 10.14 of this article.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

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:

- (1) "Consolidate and reconstruct" means that the applicant will demolish an existing single-faced billboard structure and combine that single-faced billboard with another single-faced billboard structure to create one double-faced billboard, which may be a monopole structure. However, there shall be no billboard stacked above another billboard, commonly referred to as a "double stack".
- (2) "Demolition of billboard sign structure" means that the applicant will demolish an existing billboard sign structure and remove of all of the debris from the demolition site.
- (3) "Receiving area" means the area that includes any parcel of real property that is zoned commercial or industrial, as of the date of adoption of this article and is adjacent to: (i) the main traveled way of Interstate 95 but not including any parcel of real estate located on Pocahontas Island, or (ii) Route 460 East, from Interstate 95 eastbound to the city limits but not including any parcel of real estate that is within 500 feet of a residential dwelling.
- (4) "Relocation" means that the applicant will demolish an existing billboard sign structure in a sending area and reconstruct a new billboard sign structure in a receiving area.
- (5) "Sending area" means any parcel of real property in the city that that is not expressly designated as being in a "receiving area".

14.2. Relocation of billboard sign structures.

Billboard sign structures may be "relocated" only in accordance with this section. Applications to relocate a billboard sign structure shall be made to, and subject to approval of, the zoning administrator.

No application for relocation of a billboard sign structure shall be approved unless the applicant first applies for a demolition permit to demolish an existing billboard sign structure of equal or greater sign face area. Further, no such building permit shall be approved until the zoning administrator confirms that the demolition of the billboard sign structure designated for demolition has in fact occurred and the debris from the demolition removed from the site.

14.3. Consolidation and reconstruction of billboard sign structures.

Billboard sign structures may be consolidated and reconstructed only in accordance with this section. Applications to consolidate and reconstruct shall made to, and subject to approval of, the zoning administrator.

No application for consolidation and reconstruction of a billboard sign structure shall be approved unless the applicant first applies for a demolition permit to demolish an existing billboard sign structure of equal or greater sign face area. Further, no such building permit shall be approved until the zoning administrator confirms that the demolition of the billboard sign structure designated for demolition has in fact occurred and the debris from the demolition removed from the site.

14.4. Installation of changeable message sign technology.

Changeable message sign technology may be installed on a billboard sign structure only in accordance with this section. Applications to install changeable message technology shall [be] made to, and subject to approval of, the zoning administrator.

No application to install changeable message sign technology on an existing billboard in a receiving area shall be approved unless the applicant first applies for a demolition permit to demolish an existing billboard sign structure of equal or greater face sign area. Further, no such building permit shall be approved until the zoning administrator confirms that the demolition of the billboard sign structure designated for demolition has in fact occurred and the debris from the demolition removed from the site.

14.5. Height and size of billboard sign structures; other provisions.

The maximum height of any billboard structure along Interstate 95 shall not exceed 50 feet, with the maximum height of any other billboard structure being limited to 25 feet, measured from the natural grade of the center-line of an adjacent state or federal highway.

The size of any billboard sign face shall not exceed 675 square feet. No billboard sign structure shall be located closer than 100 feet to an entrance or exit ramp on Interstate 95, measured in accordance with Virginia Department of Transportation standards. Further, no billboard sign structure shall be located less than 500 feet apart on the same side of the road.

All billboard signs in sending areas shall remain nonconforming. Billboard signs in receiving areas on property zoned for commercial or industrial as of the date of adoption of this article shall be conforming and a permitted use. Changeable message sign technology shall be permitted only on conforming billboard sign structures.

14.6. Maintenance and repair; condemnation.

Billboard sign structures shall be maintained in good repair. Such maintenance and repair shall be governed by the Code of Virginia and the regulations of the Virginia Department of Transportation. In the event of condemnation, the owner of the billboard shall relocate the billboard on the same parcel of real property at no expense to the condemner.

14.7. Building permits required.

No alteration (as defined by the Building Code) to an existing billboard or relocation of a billboard shall occur without obtaining a building permit as provided herein.

14.8. Permitting process.

A billboard sign visible from the main traveled way of the right-of-way of any highway within the city classified as a part of the national system of interstate highways, shall not be erected except in conformance with title 33.1, chapter 7 of the Code of Virginia, entitled "Outdoor advertising in sight of public highways". However, no city permit shall be issued until such time as an outdoor advertising permit approved by the Virginia Department of Transportation is presented to the zoning administrator; and provided further, that the requirements of this section are met.

14.9. Compliance with state and federal laws and regulations.

Billboard signs shall comply at all times with applicable state and federal laws and regulations for traffic safety.

(Ord. No. 10-10, § 1, 3-2-2010)

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 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 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.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **A Public Hearing and Consideration of an Ordinance Recommending Revocation of Special Use Permit Granted to Michael and Nina Stanley to Operate a Stand-Alone Used Vehicle Sales Lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for Failure to Comply with Conditions of Approval - Pages 36-55**

PURPOSE: To rescind a special use permit granted for Michael and Nina Stanley to operate a used vehicle sales lot at 1024 W Washington Street due to failure to comply with the conditions of approval.

REASON: To rescind a special use permit due to failure to comply with conditions.

RECOMMENDATION: Approval of the rescission/revocation.

BACKGROUND: On May 2, 2012 City Council approved special use permit granted for used car sales lot at 1024 West Washington Street subject to eight conditions. The use was never established and the property is vacant outside of inoperable vehicles and car parts. The property is currently in violation of at least four conditions of approval. Since July 2024, Zoning staff have sent multiple letters of violation outlining steps to compliance; no action taken by property owner/permit holder. At the December meeting of the Planning Commission, Planning Commissioners recommended approval of removing the special use permit from this property.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 1. 24-RSUP-01
2. 2. RSUP-01
3. 3. Ordinance 24-RSUP-01
4. 4. 12-ORD-34
5. 5. July NOV - 1024 W Washington
6. 6. Sept Nov - 1024 W Washington
7. 7. November Revocation Notice



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: January 2025

TO: City Council

FROM: Planning Commission

RE: 2024-RSUP-01: Consideration of an ordinance to revoke a special use permit granted to Michael and Nina Stanley to operate a stand-alone used vehicle sales lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for failure to comply with conditions of approval.

EXECUTIVE SUMMARY:

Planning Commission and staff are requesting that the City Council consider revoking a special use permit for the operation of a used car sales lot at 1024 West Washington Street in the B-2, General Commercial District. Staff identified several violations of the permit's conditions of approval in July and have sent multiple notices of violations and the property owner has failed to bring the property into compliance.

CHRONOLOGY OF EVENTS:

1. May 1, 2012 – Special Use Permit granted to Michael and Nina Stanley to establish a stand-alone used vehicles sales lot on the subject property with eight conditions of approval
2. July, 2024 – City Zoning Inspector identified several violations of the permit conditions on the site. The inspector spoke with the property owner/permit holder and informed him failure to address the issues would result in a notice of violation
3. July, 2024 – Notice of violation was sent identifying issues with a 30-day compliance period
4. September, 2024 – A final notice of violation was sent identifying a 10-day compliance period. The property owner spoke with the Zoning Administrator who reiterated the steps to compliance.

5. November 7, 2024 – The property owner was informed that staff would be initiating efforts to revoke the special use permit for the property.
6. December 2025 – Planning Commission recommended revocation of the special use permit.

BACKGROUND:

In May of 2012 a special use permit was approved for Michael and Nina Stanley to operate a stand-alone vehicle sales lot on the subject property. The approved permit was subject to the following conditions:

- a. The permit is non-transferable
- b. No vehicles to be parked in or protrude into West Washington Street right-of-way
- c. Site plan and building permits to be submitted and approved prior to any operations on site
- d. No inoperable vehicles to be kept or stored on site
- e. No outside storage of vehicle parts is permitted
- f. The hours of operation are limited to Monday-Saturday 8:00 a.m. to 6:00 p.m.
- g. Should the use be abandoned for 24 months or more, the permit shall be null and void
- h. Permit may be revoked by City Council for failure to comply with listed conditions or any federal, state, or local regulations

In July, a City Zoning inspector identified several issues on this property, including the storage of inoperable vehicles, and storage of vehicle parts. These issues were brought to the attention of the property owner and over the next several months, multiple notices of violation were sent with directions on how to bring the property into compliance with the approved permit and City Code. After repeated attempts to gain compliance were unsuccessful, the Zoning Administrator sent a notice that staff would seek to revoke the special use permit.

The following violations of the approved permit are present on the property:

- 1) No site plan or permits were ever submitted to establish a stand-alone used vehicle sales lot on the property in violation of Condition C.
- 2) Inoperable vehicles are stored on the site in violation of Condition D.
- 3) The property has failed to operate under the approved use for a period well in excess of the two years stipulated in Condition G.
- 4) The property has failed to comply with the above mentioned conditions and is not in compliance with other local regulations in violation of Condition H.

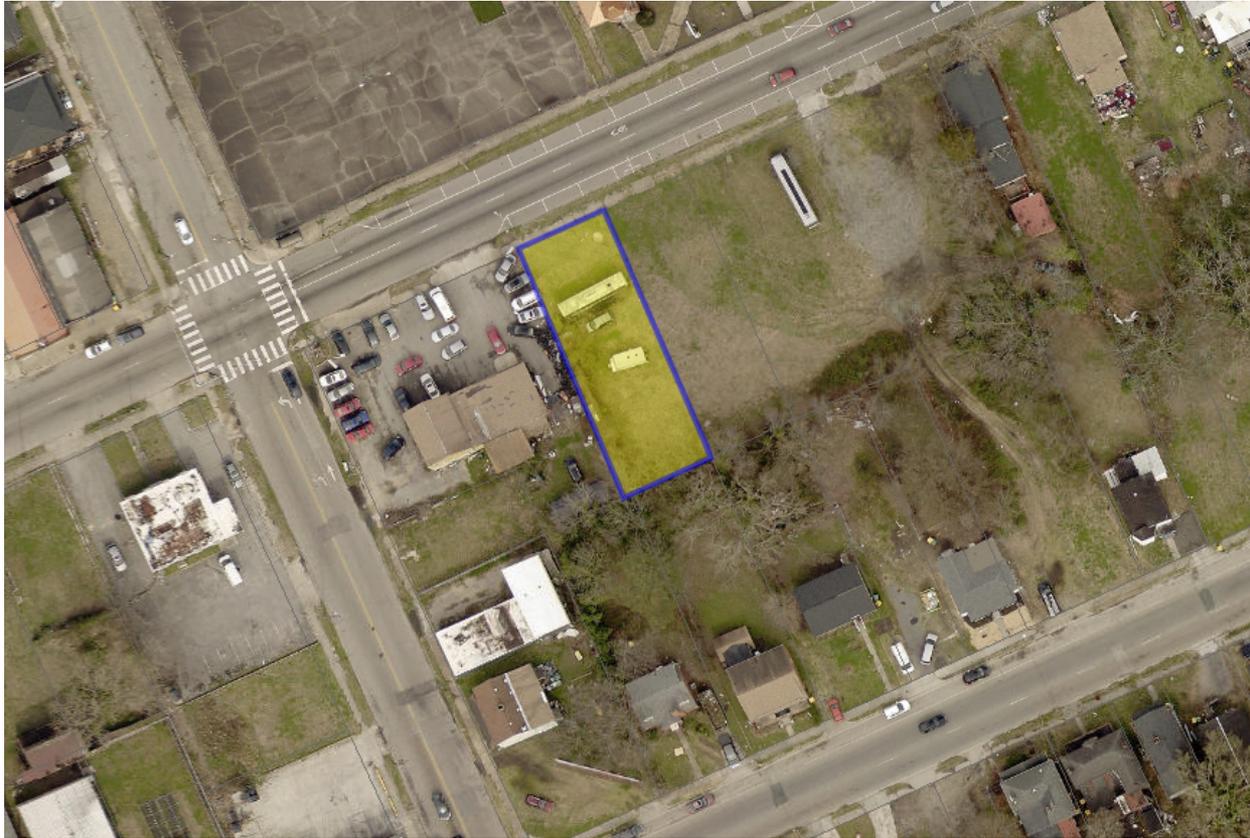
RECOMMENDATION: Staff and Planning Commission recommend the special use permit be revoked for failure to comply with the conditions of approval.

CITY COUNCIL
MEETING
JANUARY 2025

2024-RSUP-01:

Consideration of an ordinance recommending revocation of special use permit granted Michael and Nina Stanley to operate a stand-alone used vehicle sales lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for failure to comply with conditions of approval

Subject Property



Background

- May 2, 2012 City Council approved special use permit granted for used car sales lot at 1024 West Washington Street subject to eight conditions
- Use was never established; property vacant outside of inoperable vehicles and car parts
- Property is in currently in violation of at least four conditions of approval
- Since July, Zoning staff have sent multiple letters of violation outlining steps to compliance; no action taken by property owner/permit holder



Conditions of Approval

- a. The permit is non-transferable
- b. No vehicles to be parked in or protrude into West Washington Street right-of-way
- c. Site plan and building permits to be submitted and approved prior to any operations on site
- d. No inoperable vehicles to be kept or stored on site
- e. No outside storage of vehicle parts is permitted
- f. The hours of operation are limited to Monday-Saturday 8:00 a.m. to 6:00 p.m.
- g. Should the use be abandoned for 24 months or more, the permit shall be null and void
- h. Permit may be revoked by City Council for failure to comply with listed conditions or any federal, state, or local regulations

Violated Conditions

- Condition A - No plans or permits were ever submitted to establish a use on the property
- Condition D – Two large inoperable buses have been stored on the site for several years
- Condition G – No used car dealership was ever established, the two-year abandonment threshold has been exceeded
- Condition H – The property is in violation of the approved conditions as well as local law

Recommendations

Planning Commission and staff both recommend removing this special use permit from the property.

City Council Options

- Recommend revocation of the special use permit for violation of conditions of approval
- Recommend the special use permit be allowed to remain active

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance revoking the special use permit granted to Michael and Nina Stanley to operate a stand-alone used vehicle sales lot at 1024 West Washington Street in the B-2, General Commercial District for failure to comply with conditions of approval.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE REVOKING A SPECIAL USE PERMIT GRANTED TO MICHAEL AND NINA STANLEY FOR THE OPERATION OF A STAND-ALONE USED VEHICLE SALES LOT AT 1024 WEST WASHINGTON STREET, PARCEL ID 024270002 IN THE B-2, GENERAL COMMERCIAL DISTRICT FOR FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

WHEREAS, City Council approved a special use permit for the operation of a stand-alone used vehicle sales lot at 1024 West Washington Street on May, 1 2012; and

WHEREAS, the approved special use permit included certain conditions of approval; and

WHEREAS, the property was identified as violating several conditions of approval in July, 2024 including failure to obtain an approved site plan and permits for use of the site, storage of inoperable vehicles and vehicle parts on the site, abandonment of the use in excess of two years, and failure to abide by the conditions of approval and other local regulations; and

WHEREAS, in the months since identifying the violations, City staff have sent multiple notices of violation as well as met in person with the property owner and permit holder to outline steps to bring the property into compliance; and

WHEREAS, the property owner has not taken sufficient steps to bring the property into compliance with the conditions of approval; and

WHEREAS, City staff and Planning Commission have recommended the special use permit be revoked for failure to comply with the above mentioned conditions; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that City Council does hereby revoke the special use permit granted to Michael and Nina Stanley for the operation of a stand-alone used vehicle sales lot at 1024 West Washington Street, Parcel ID 024270002, in the B-2, General Commercial District for failure to comply with conditions of approval.

**AN ORDINANCE APPROVING THE ISSUANCE
OF A SPECIAL USE PERMIT TO OPERATE A
USED CAR LOT AT PROPERTY ADDRESSED AS
1024-1026 WEST WASHINGTON STREET, WITH
CONDITIONS.**

WHEREAS, upon the petition of Michael and Nina Stanley, owners of the subject property, pursuant to Article 23, Sec 4(23) of the Zoning Ordinance, have requested a Special Use Permit to operate a used car lot on property addressed as 1024-1026 West Washington Street, further identified as Tax Parcel 024-27-0002; and

WHEREAS, the subject property is zoned "B-2", General Commercial District; and

WHEREAS, a public hearing having been held on May 1, 2012, pursuant to notice, as required by law; and

WHEREAS, the Planning Commission of the City of Petersburg recommends the approval of the requested special use permit, upon certain terms and conditions.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg:

§ 1. That a non-transferable special use permit is hereby granted to Michael and Nina Stanley, owners of the subject property, to allow the operation of a used car lot as provided for under Article 23 of the Zoning Ordinance on property addressed as 1024-1026 West Washington Street, further identified as Tax Parcel 024-27-0002 with the conditions attached hereto and made a part hereof.

§ 2. That the use of the above described subject property shall be conditioned/restricted as follows:

- A. The Special Exception is granted to Michael & Nina Stanley and is not transferrable;
- B. No vehicle parking is to be permitted on or to protrude into the West Washington Street right-of-way;

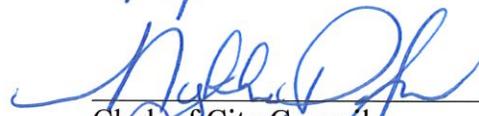
- C. The developer shall obtain a site plan approval prior to any permits being issued to include landscaping, lighting, screening, parking, signage, and environmental impacts;
 - D. No inoperable vehicle shall be kept on or stored on the site;
 - E. No outside storage of vehicle parts is permitted under this approval;
 - F. The hours of operation shall be limited to 8:00 a.m. – 6:00 p.m., Monday - Saturday;
 - G. Should the use of the premises be abandoned for a period of twenty-four (24) consecutive months, the Special Exception shall become null and void;
 - H. This permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of Federal, State, or local regulations.
- § 3. That this ordinance shall take effect immediately upon adoption.

Ordinance 18-06-04
adopted by the City of Petersburg Council
of the City of Petersburg on
5/11/2015

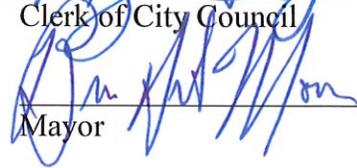
City of Petersburg
City Council

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Ordinance 12-Ord-34
adopted by the City of Petersburg Council
of the City of Petersburg on:
5/1/2012



Clerk of City Council



Mayor



City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Cynthia Jefferson
Zoning Inspector
804-738-0344
cjefferson@petersburg-va.org

Stanley Michael L Nina F
8600 Glendevon Ct
Chesterfield, VA 23838

July 29, 2024

Notice of Violation

Following a recent inspection, a Petersburg zoning inspector has determined that the property at 1024 Washington St. W Petersburg VA 23805 is in violation of the City of Petersburg's Zoning Ordinance. Specifically, Article 23 Section 4 (20)

Article 23 Section 5 (20) states "Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only".

1036 W Washington St is zoned B-2 which does not permit storage for any vehicles that are inoperable.

Please take action to correct this violation. Failure to do so within the specified time frame will result in legal action being taken by this department.

To correct this violation, remove all inoperable vehicles from the premises at 1024 W Washington St. Petersburg, VA 23805 within (30) days of receiving this notice. **Compliance will be verified on August 28, 2024.**

If you have any questions or concerns regarding this letter or would like further information, please contact the Department of Planning & Community Development at 804-738-0344 or by email cjefferson@petersburg-va.org

In accordance with section 15.2-2311 of the Code of Virginia (1950), as amended you have the right to appeal this decision to the Board of Zoning Appeals within 30 days after your receipt of this letter. Otherwise, the decisions set forth in this letter shall be final and unappealable if not appealed within the 30-day period. The filing fee associated with your application for appeal is \$500.00 and should be enclosed with a completed application if you intend to appeal this decision.

Premise Address: 1024 Washington St. W Petersburg, VA 23805
Tax Parcel ID: 024270002

Thank You

Cynthia Jefferson
Zoning Inspector

CC: 1036 Washington St. W Petersburg, Virginia 23805



City of Petersburg

Department of Planning
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia

Cynthia Jefferson
Zoning Inspector
804-738-0344
cjefferson@petersburg-va.org

Stanley Michael L Nina F
8600 Glendevon Ct
Chesterfield, VA 23838

September 9, 2024

Final Notice of Violation

Following a recent inspection, a Petersburg zoning inspector has determined that the property at 1024 Washington St. W Petersburg VA 23805 is in violation of the City of Petersburg's Zoning Ordinance. Specifically, Article 23 Section 4 (20).

Article 23 Section 4 (20) states "Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only".

Vehicle storage lots are only permitted in M-1 Light Industrial and M-2 Heavy Industrial zoning districts with the issuance of a Special Use Permit from City Council. The Special Use Permit issued for your property in 2005 does not include vehicle storage as a permitted use. Attached is a copy of your Special Use Permit.

Please take action to correct this violation. Failure to do so within the specified time frame will result in legal action being taken by this department.

To correct this violation, halt all vehicle storage use and remove all inoperable vehicles from the premises at 1024 W Washington St. Petersburg, VA 23805 within (10) days of receiving this notice. **Compliance will be verified on September 19, 2024.**

If you have any questions or concerns regarding this letter or would like further information, please contact the Department of Planning & Community Development at 804-738-0344 or by email cjefferson@petersburg-va.org

Premise Address: 1024 Washington St. W Petersburg, VA 23805
Tax Parcel ID: 024270002

Thank You

Cynthia Jefferson
Zoning Inspector

Sent Via Certified mail # 9589 0710 5270 1395 5587 84

CC: 1024 Washington St. W Petersburg, Virginia 23805



City of Petersburg

Department of Planning &
Community Development
804-733-2312

135 N. Union Street, Room 304
Petersburg, Virginia 23803
mgorman@petersburg-va.org

Mr. Michael Stanley
8600 Glendevon Ct
Chesterfield, Virginia 23838

November 7, 2024

Re: Revoking Special Use Permits at 1024 W Washington and 1036 W Washington Street

Be advised, due to the failure to comply with the conditions laid out in 12-ORD-34 and 12-ORD-35, the Petersburg Department of Planning and Community Development is moving to revoke your Special Use Permits for 1024 W Washington and 1036 W Washington Street, Petersburg, Virginia.

A notice of violation with instructions to comply was sent in August with a deadline to comply by September. This department has seen no measurable changes to the subject properties since the initial notice was sent and has given plenty of time since the deadline has passed.

Your Special Use Permits will be reviewed by the Petersburg Planning Commission on December 5 at 6:30pm. Should you complete the following actions before December 5, this department will withdraw our review.

To comply:

- Remove all inoperable vehicles from both of the subject properties.
- Halt all outdoor storage of vehicle parts and waste from both of the subject properties.
- Obtain a business license to operate a vehicle repair shop at 1036 W Washington.

If you have any questions or would like more information, please contact me at mgorman@petersburg-va.org.

Thank you,

Maxwell Gorman
Zoning Administrator



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **A Public Hearing and Consideration of an Amendment and Readoption of Chapter 50, Article II of the City Code Pertaining to Noise - Pages 56-77**

PURPOSE: In September 2021, City Council made a motion to suspend the noise ordinance from the downtown area pending recommendation from the Planning Commission. The Planning Commission worked during the subsequent months to provide a recommendation to Council that was tabled at the January 2022 meeting until March 2022 to address entertainment districts. At the March 15, 2022 meeting, the noise ordinance was tabled again, and the item never picked back up. As the Planning Commission looks to address regulations around assembly uses such as banquet halls, bars, and nightclubs, and has resumed some discussion on entertainment districts (to be addressed in the zoning ordinance update), Council has asked that the noise ordinance come back before them along with the Zoning ordinance pertaining to gathering and event uses, including night clubs.

REASON: To bring the noise ordinance back up for conversation along with the Zoning Ordinance pertaining to gathering and event uses, including night clubs.

RECOMMENDATION:

BACKGROUND: In September 2021, City Council made a motion to suspend the noise ordinance from the downtown area pending recommendation from the Planning Commission. The Planning Commission worked during the subsequent months to provide a recommendation to Council that was tabled at the January 2022 meeting until March 2022 to address entertainment districts. At the March 15, 2022 meeting, the noise ordinance was tabled and no further action taken. Council has asked that the noise ordinance come back before them.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Proposed Noise Ordinance
2. Noise Ordinance

AN ORDINANCE AMENDING THE PETERSBURG CITY CODE NOISE SECTION

WHEREAS, the City Council of the City of Petersburg requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section; and

WHEREAS, the request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area; and

WHEREAS, regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district; and

WHEREAS, a policy declaration in the Code Section 50-31 states, "It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted."; and

WHEREAS, the City Code was substantially revised with the adoption of 14-Ord-100 on October 21, 2014, and adopted Amendments included: Adding terms under definitions, Removing the Violations of article and Measurement Procedures sections, changing the title of the Loud Noises Prohibited to Specific Prohibitions, replacing the Exemptions section, Animals, Maximum permissible sound levels and prohibitions sections, and adding to the Penalties and Enforcement Section; and

WHEREAS, the Planning Commission established a Committee to provide recommendations for the Commission to consider recommending to the City Council; and

WHEREAS, during the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

WHEREAS, during the March 3, 2022 Planning Commission Meeting, the Commission considered the information and recommendations provided by the Commission Committee; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Ordinance Text Amendments, and the public hearing was advertised, in accordance with applicable laws.

WHEREAS, the Planning Commission voted to recommend the following to the City Council:

1. Amend the definition of Daytime Hours from 7:00 a.m. - 10:00 p.m. to 7:00 a.m. - 11:00 p.m.
2. Amend the Maximum dBA levels from levels based on zone to 75 dBA daytime and 65 dBA nighttime City-wide for all Zoning Districts. Exemptions would remain as defined in the current ordinance.
3. Creation of a downtown Entertainment District Overlay with appropriate noise levels during the Downtown Master Plan process.
4. Amend the Code in conformance with (Attachment A).

NOW THEREFORE BE IT ORDAINED that City Council of the City of Petersburg does hereby Approve amending City Code Text Amendment regarding noise, consistent with the attached (Exhibit A).

EXHIBIT A
PART II - CODE
Chapter 50 - ENVIRONMENT
ARTICLE II. NOISE

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ARTICLE II. NOISE¹

Sec. 50-31. Declaration of policy.

It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted. (Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

Sec. 50-32. Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

A-weighted decibel means the sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specifications for sound level meters). The level so read shall be postscripted dB(A) or dBA.

ANSI means The American National Standards Institute, Inc., New York, New York.

Daytime means the local time of day between the hours of 7:00 a.m. and ~~11:00 p.m.~~ *daily+*.

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Decibel means a unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

Deleted: weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Industrial is given the same meaning as defined by the zoning ordinance.

Motor vehicle means every vehicle defined as a motor vehicle by § 46.2-100 of the Code of Virginia, 1950, as amended.

Multi-family dwelling means a building designed for, or occupied exclusively, by three or more families living independently of each other.

Nighttime means those times excluded from the definition of daytime

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

¹Cross reference(s)—Noise in parks, § 78-63.

Person means any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successors, representative, agent or agency thereof.

Residential area is given the same meaning as defined by the zoning ordinance.

Residential dwelling means a building or portion thereof designed or intended to be occupied as living quarters by one or more persons and including permanent provisions for living, sleeping, eating, cooking and sanitation.

Residential property line means an imaginary line along the ground surface and its vertical extension, which separates the real property owned, leased or otherwise controlled by one person from that owned, leased or otherwise controlled by another person, but not including intra-building real property divisions.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Urban mixed use means a district that includes commercial, industrial, institutional and residential uses, such as B-2, B-3, RB, MXD-1 and MXD-2, as defined by the zoning ordinance.

Zoning district classification means the designation of land use classification contained in the zoning ordinance.

(Code 1981, § 19-3; Ord. No. 14-100, 10-21-2014)

Editor's note(s)—The zoning ordinance is on file in the office of the clerk of the council.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 50-33. Specific prohibitions.

It shall be unlawful for any person to produce noise that exceeds 75 dBA during the daytime and 65dBA during the nighttime.



Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-33 and enacted a new section as set out herein. The former § 50-33 pertained to violations of article and derived from § 19-2 of the 1981 Code.

Sec. 50-34. Exemptions.

This provision shall not apply to:

- (a) Noise generated in connection with the business being performed in an industrial area;
- (b) Locomotives and other railroad equipment, and aircraft;
- (c) Sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof;
- (d) Police, fire, ambulance or emergency vehicle sirens;
- (e) Sounds created when responding to emergencies, including emergency utility repairs;

Deleted :

Deleted: (a) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical

Deleted: instrument, loudspeaker, sound amplifier or machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is heard between 11:00 p.m. and 7:00 a.m.: ¶
(1) Inside the confines of the residential dwelling, house or multi-family dwelling of another person; or ¶
(2) At 50 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events. ¶
(b) To allow noise between the hours of 10:00 p.m. and 7:00 a.m. that is heard either inside the confines of the residential dwelling, house or multi-family dwelling of another person or at 50 or more feet when the noise is made by one or more persons. ¶
(c) To operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is heard on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning. ¶
(d) Using any instrument, whistle, drum or bell or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or to any show, entertainment, or event. The provisions of this section shall not be construed to prohibit the selling by verbally announcing the sale of merchandise, food, or beverage at licensed sporting events, parades, fairs, circuses or other similarly licensed public entertainment events. ¶
(e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is heard from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices. ¶
(f) To create noise heard in residential areas in connection with the loading or unloading of refuse, waste or recycling collection vehicles between the hours of 10:00 p.m. and 7:00 a.m., except those areas zoned for urban mixed use, when the sound or noise is

-
- (f) Motor vehicles and trucks traveling on roads;
 - (g) Heat pumps and/or air conditioners on residential properties;
 - (h) Backup generators running during power outages;
 - (i) Public transportation facilities;
 - (j) Burglar, fire or other alarms tests between 7:00 a.m. and 9:00 p.m.;
 - (k) Band performances or practices, athletic matches or practices and other such activities on school or recreational grounds between 7:00 a.m. to 11:00 p.m.;
 - (l) Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity between the hours of 7:00 a.m. to 11:00 p.m.;
 - (m) Sound amplifying equipment used at public parks or recreation fields provided the operation of such equipment has been approved by the department of parks and leisure services;
 - (n) Activities for which the regulation of noise has been preempted by federal law;
 - (o) Parades, fireworks or other special events or activities for which a permit has been issued by the city, within such hours as may be imposed as a condition for the issuance of the permit.

(Code 1981, § 19-7; Ord. No. 14-100, 10-21-2014)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-980.

Sec. 50-35. Animals.

It shall be unlawful for any person to [allow an] animal or bird except farm animals in agricultural districts to create noise or intense barking that is plainly audible at least once a minute for ten consecutive minutes:

- (1) Inside the confines of the residential dwelling, house or multi-family dwelling of another; or
- (2) At 50 or more feet from the animal or bird.

For purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private party in or upon which the animal or bird is situated, or is using any other means to tease or provide the animal or bird. This provision shall not apply to public zoos, licensed animals parks or licensed veterinarian facilities.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-35 and enacted a new section as set out herein. The former § 50-35 pertained to measurement procedures and derived from § 19-6 of the 1981 Code.

Sec. 50-36. Maximum permissible sound levels generally.

- (a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels is hereby prohibited. When noise emanates from private property, such levels shall be measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise. When noise emanates from public property including street rights-of-way,

Deleted: established in this section

(Supp. No. 17, Update 1)

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such levels shall be measured at any point on public property or at any point within any other property affected by the noise.

- (b) Measurements in multi-family dwellings. In a structure used as a multi-family dwelling, the measurements to determine such sound levels shall be taken from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.
- (c) Any person, with lawfully obtained permits, who during the daytime operates or causes to be operated any equipment used in the construction, repair, alteration, or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors shall not be subject to the levels enumerated in subsection (a) of this section.
- (d) Persons performing construction of public projects, repair or maintenance work for such projects or persons performing work for private or public utilities for the repair of facilities or restoration of services shall not be subject to the levels enumerated in subsection (a) of this section.

(Code 1981, § 19-4; Ord. No. 14-100, 10-21-2014)

Sec. 50-37. Penalty and enforcement.

- (a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - (1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.
 - (2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.
- (b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be responsible for the noise violation.
- (d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-37 and enacted a new section as set out herein. The former § 50-37 pertained to prohibitions generally and derived from § 19-5 of the 1981 Code.

Sec. 50-38. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this article.

Deleted: When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

Deleted: MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS ¶ Zoning District

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-38 and enacted a new section as set out herein. The former § 50-38 pertained to animals and derived from § 19-5.1 of the 1981 Code.

Secs. 50-39—50-60. Reserved.

(Supp. No. 17, Update 1)

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Page 5 of 5



City of Petersburg Planning Commission

Report

DATE: March 3, 2022

TO: Planning Commission

FROM: Reginald Tabor, Director, Department of Planning and Community Development

Re: **A REPORT REGARDING AMENDMENTS TO THE CITY CODE
CHAPTER 50. ENVIRONMENT ARTICLE II. NOISE.**

PURPOSE: To consider recommending an amendment to the City Code Chapter 50. Environment, Article II. Noise.

BACKGROUND: The City Council of the City of Petersburg has requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section.

The request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area.

Regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district.

Previously the Planning Commission adopted a resolution recommending adding indoor and outdoor decibel levels. The Planning Commission also adopted a resolution recommending amendments to the Code.

Current City Code

Why

- **Sec. 50-31. - Declaration of policy.**

It is hereby declared to be the public policy of the city to protect its citizens against excessive **noise** which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to **noise** are hereby adopted.

(Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

What

Sec. 50-32. - Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

When

Sec. 50-32. - Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Daytime means the local time of day between the hours of 7:00 a.m. and 10:00 p.m. weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified.

Nighttime means those times excluded from the definition of daytime

How (Measurement)

City of Petersburg Code Sec. 50-36. - Maximum permissible sound levels generally.

- (a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section is hereby prohibited.

When noise emanates from private property, such levels shall be **measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise.**

When noise **emanates from public property** including street rights-of-way, such **levels shall be measured at any point on public property or at any point within any other property affected by the noise.**

When a noise source can be identified and its **noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.**

How (Enforcement)

Sec. 50-37. - Penalty and enforcement.

- (a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - (1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.
 - (2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.
- (b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to responsible for the noise violation.
- (d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

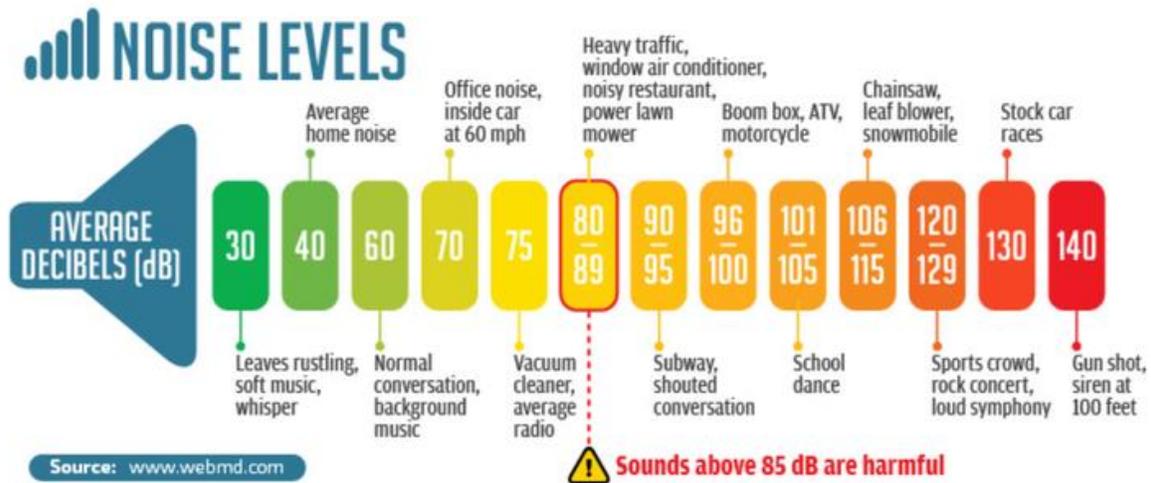
(Ord. No. 14-100, 10-21-2014)

Where and How Much

Following are the maximum permitted decibel levels in the City Code Sec. 50-36. - Maximum permissible sound levels generally.

ZONING DISTRICT CLASSIFICATION	MAXIMUM DBA INSIDE	
	Daytime 7 a.m. – 10 p.m.	Nighttime 10 p.m. – 7 a.m.
AGRICULTURAL	65	55
RESIDENTIAL	65	55
R/B	70	60
PLANNED UNIT DEVELOPMENT	70	60
MIXED USE DISTRICT	75	65
BUSINESS	75	65
INDUSTRIAL	79	72

Noise Level Comparisons



Noise Source	Decibel Level	Comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Power mower (96 dB); motorcycle at 25 ft (90 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

Source: <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

Planning Commission Committee

During the February 3, 2022 Planning Commission meeting, the Planning Commission established a committee to review the ordinance and develop recommendations for the Planning Commission to consider.

The Committee met February 28, 2022 with the City Manager, the Chief of Police, the Zoning Administrator and the Director of Planning and Community Development to discuss the City Code section regarding Noise.

1. The Committee considered the Noise Ordinance in Staunton, Virginia.

<https://www.stauntondowntown.org/noise-ordinance-q-a/>

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 8.25.190 Entertainment area exception, of Article I, In General, of Chapter 8.25, Noise, of Title 8, Health and Safety, of the Staunton Code be

8.25.190 Entertainment area exception.

- (1) The foregoing sections notwithstanding, musical entertainment may be provided by businesses situated in the central business district as described herein. In such cases, the level of noise created by or from the musical entertainment shall not exceed 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary of the property from which the noise emanates; and, notwithstanding the foregoing, during the period beginning 11:30 p.m. local time and ending 9:00 a.m. local time, such noise shall not occur or extend beyond the interior of such businesses. "Musical entertainment" as used herein shall mean music made by what are commonly known as musical instruments, recordings of music, choral or vocal singings sponsored or provided by the business wherefrom the noise emanates.
- (2) The central business district as used herein is described as: Beginning at the intersection of Coalter Street and Frederick Street, thence with Frederick Street, west, to its intersection with Lewis Street, thence with Lewis Street, south, crossing Middlebrook Avenue to the C&O Railroad right-of-way, thence with the C&O right-of-way, east, to Coalter Street, thence with Coalter Street, north, to its intersection with Frederick Street, the point of beginning.
- (3) The musical entertainment, subject hereof, is exempt from the provisions of SCC 8.25.080, 8.25.100, 8.25.110, and 8.25.160, except as provided in subsection (1) of this section.

In all other respects, the provisions of Section 8.25.190, Entertainment area exception, of Article I, In General, of Chapter 8.25, Noise, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: March 22, 2012 Adopted: March 22, 2012 Effective Date: March 22, 2012

Staunton Ordinance Summary

- It establishes an Entertainment Area that includes exceptions to the permitted noise decibel levels.
- It establishes 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary as a limit.
- It prohibits noise beyond the interior of businesses in the entertainment area during the period beginning 11:30 p.m. local time and ending 9:00 a.m.
- It defines the boundaries of the entertainment area.
- It defines musical entertainment.

2. The Committee reviewed the decibel levels in other jurisdictions, as provided by Commissioner Hairston:

Orlando		Washington		Staunton		Wilmington, NC	
Day	Night	Day	Night	Day	Night	Day	Night
75	70	80	75	80	75	75	70

Recommendations

During the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

Other Considerations

1. Noise should be measured 50 Feet (30 or 35 would be across the street) from the property line of the Noise Source.
2. A City-wide maximum noise level could be considered such as 75 dBA daytime and 65 dBA night.
3. Amendments to the daytime and nighttime hours could be considered:
 From 7:00 a.m. to 10:00 p.m. daytime (current)
 To 7:00 a.m. to 10:00 p.m. daytime Monday through Friday
 9:00 a.m. to 11:00 p.m. daytime on Saturday and Sunday
 9:00 a.m. to 11:00 p.m. daytime Friday through Sunday
 9:00 a.m. to 11:00 p.m. daytime Thursday through Sunday
4. Sec. 50-33. - Specific prohibitions.
 It shall be unlawful to produce noise that exceeds the maximum permissible sound levels defined in Sec. 50-36. - Maximum permissible sound levels generally. Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.



NOISE ORDINANCE



City Council

January 2025

PURPOSE

To open the draft noise ordinance prepared by Planning Commission in 2022 for public comment and action by the City Council.



BACKGROUND

- September 2021: City Council made a motion to suspend the noise ordinance from the downtown area pending recommendation from the Planning Commission.
- October 2021 – December 2021: The Planning Commission worked during the subsequent months to provide a recommendation.
- January 2022: Council tabled the noise ordinance until March 2022 to address entertainment districts.
- February 2022: Planning Commission established a committee that met the same month to make recommendations.
- March 15, 2022: Noise ordinance was tabled again and has not been picked back up.
- Council has asked that this item return along with nightclubs on the Council Agenda.

CONCERNS THAT LED TO THIS EFFORT

- Complaints regarding noise from restaurant uses, especially in the city's downtown area.
- How to distinguish an entertainment district from other areas of the city.

RECOMMENDATION

- Recommended a nighttime noise ordinance meaning 11 p.m. to 7 a.m. with 75 decibels allowable during day and 65 at night, with a recommendation of an entertainment district overlay to be considered later. (Looking into integrating an entertainment district via the zoning update.)
- Removed differentiation by zoning district to make enforcement easier for the Police.
- Exemptions remain for certain uses like rail, industrial, generators operating during power outages, etc.

SAMPLE MOTION

I move that we APPROVE/DENY/AMEND an ordinance amending and readopting the Petersburg City Code noise section

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Marquis Allen

RE: **A Public Hearing and Consideration of an Ordinance for Appropriation of the Virginia State University Public Health Institute (VSUPHI) Health Disparities Grant - Pages 78-81**

PURPOSE: A Public Hearing for Consideration of Acceptance and Appropriation of the Virginia State University Public Health Institute (VSUPHI) Health Disparities Grant

REASON: The Recreation & Leisure services department received an award from VSUPHI to help with health disparities in the City of Petersburg.

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND: VSUPHI allocated a total of \$32,700 to the City of Petersburg to support ongoing activities and events. This was designated for a fifty-percent shared distribution between the Recreation & Leisure Services department for sedentary lifestyle reductions and collaborative partner Petersburg Communities Incorporated for mental well-being enrichment.

COST TO CITY: \$32,700

BUDGETED ITEM: Grant

REVENUE TO CITY: \$32,700

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Recreation, Leisure Services & Volunteerism

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. COP Health Disparities Grant Memo

2. Grant Ordinance - VSUPHI



VIRGINIA STATE UNIVERSITY

1 Hayden Drive
Virginia State University, VA 23806

Public Health Institute
College of Natural & Health Sciences

Phone: (804) 524-5202

To: Mr. Garry Cozier
Grant manager, City of Petersburg

From: Ms. Tara Dickerson
Executive Director, VSU Public Health Institute

Date: January 6, 2025

Re: Health Disparities Grant Allocation

The Virginia State University Public Health Institute (VSUPHI) has been a recipient of the “*National Initiative to Address COVID-19 Health Disparities Among Populations at High-Risk and Underserved, Including Racial and Ethnic Minority Populations and Rural Communities*” grant since 2021. This funding was designated for Virginia’s Historically Black Colleges and Universities. This opportunity has supported our partnership with municipalities and non-profit organizations. Our work plan has been inclusive of unrestricted fund allocation to collaborative entities for activities and events that address health disparities.

Historically, funding was championed for health promotion and education related to the pandemic such as inoculations, personal protective equipment, testing, and resource navigation. Subsequent to the official declaration of COVID-19’s end, the Center for Disease Control and Prevention deemed a need to invest in improving health outcomes in disproportionately affected areas and marginalized communities. These ongoing campaigns propel VSUPHI to serve as the lead agency and vanguard ensuring Petersburg receive assistance to change the narrative of the consecutively ranked *unhealthiest* place to live in Virginia.

We consider these community partners “gap fillers” who can expand reaches we cannot but they require funds to bring their ideas into fruition. In our FY24-25 Health Disparities grant work plan, we allocated a total of \$32,700 to the City of Petersburg to support ongoing activities and events. This was designated for a fifty-percent shared disbursement for Recreation, Leisure Services, & Volunteerism (\$16,350) for sedentary lifestyle reduction and collaborative partner Petersburg Communities Incorporated (\$16,350) for mental well-being enrichment. These two organizations agreed to mutually and appropriately utilize monies for their intended purpose.

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues	\$0.00
ADD:	
VSUPHI Health Disparities Grant	
Total Revenue	\$32,700

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures	\$0.00
ADD:	
VSUPHI Health Disparities Grant	
Total Expense	\$32,700



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: John Michalek

RE: **A Public Hearing and Consideration of an Ordinance for Appropriation of the VDEM Emergency Management Performance Grant - Pages 82-83**

PURPOSE: A Public Hearing for Consideration of Acceptance and Appropriation of the VDEM Emergency Management Performance Grant

REASON: Petersburg Department of Fire Rescue & Emergency Services was awarded the emergency management grant from Virginia Department of Emergency Management (VDEM)

RECOMMENDATION: Accept grant & appropriate funds

BACKGROUND: Petersburg Department of Fire Rescue & Emergency Services was awarded the emergency management grant from Virginia Department of Emergency Management (VDEM)

COST TO CITY: \$10,675

BUDGETED ITEM: Grant

REVENUE TO CITY: \$10,675

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Fire Rescue & Emergency Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - VDEM EMPG FY25

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

VDEM Emergency Mgmt Performance Grant (EMPG)

Total Revenue **\$10,675**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

VDEM Emergency Mgmt Performance Grant (EMPG)

Total Expense **\$10,675**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Tiffany Buckner - Commonwealth Attorney's Office

RE: **A Public Hearing and Consideration of an Ordinance for Appropriation of the 2024 Operation Ceasefire Grant Program for the Commonwealth Attorney's Office - Pages 84-88**

PURPOSE: A Public Hearing for Consideration of Acceptance and Appropriation of the 2024 Operation Ceasefire Grant Program for the Commonwealth Attorney's Office

REASON: The Commonwealth Attorney's Office was awarded this grant in the amount of \$301,749 for resources for an attorney for selective, targeted prosecution of identified dangerous individuals

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND: The Operation Ceasefire Grant Program (OCGP) from the Virginia Department of Criminal Justice Services (DCJS) is to support the implementation of strategies that will result in reducing violent crime within the Commonwealth while implementing effective and sustainable solutions to intercept and eliminate local cycles of violence.

COST TO CITY: \$301,749

BUDGETED ITEM: Grant

REVENUE TO CITY: \$301,749

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Commonwealth Attorney's Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Petersburg SOGA
2. Grant Ordinance - Cmnwlth Atty Operation Ceasefire



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

December 7, 2023

March Altman
City Manager
135 North Union Street
Petersburg, Virginia 23803

RE: Petersburg Commonwealth's Attorney's Office

Dear March Altman:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **521688** and was approved for a total award of **\$301,749**, funded through Award Number **2024-OCGF-GRANT**. The project period is **1/1/2024** through **12/31/2026**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>. Additionally, if you cannot access your grant in OGMS, your application may be under negotiation. Please check your email and/or spam for OGMS correspondence and follow up with your DCJS Grant Monitor.

If you have not previously done so, you must register to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to grantsmgmt@dcjs.virginia.gov. If you have questions, contact your DCJS Grant Monitor **Greg Hopkins** at **804-692-0977** or via email at **Gregory.Hopkins@dcjs.virginia.gov**.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson Miller".

Jackson Miller

STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

519206-2024 Operation Ceasefire Grant Program
--

Subgrantee:	Petersburg
DCJS Grant Number:	521688
Grant Start Date:	1/1/2024
Grant End Date:	12/31/2026
Indirect Cost Rate: _____%	*If applicable

Federal Funds:	
State Funds:	\$301,749
Local Match:	_____
 Total Budget:	 \$301,749

Project Director	Project Administrator	Finance Officer
Tiffany Buckner Commonwealth's Attorney 150 North Sycamore Street petersburg, Virginia 23803 804-861-8899 tbuckner@petersburg-va.org	March Altman City Manager 135 North Union Street Petersburg, Virginia 23803 804-733-2301 maltman@petersburg-va.org	Leon Glaster Interim Financial Chief Officer 144 North Sycamore Street Petersburg, Virginia 23803 804-733-2331 lglaster@petersburg-va.org

***Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature: _____
 Authorized Official (Project Administrator)

Title: _____

Date: _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

519206-2024 Operation Ceasefire Grant Program

Total Revenue **\$301,749**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

519206-2024 Operation Ceasefire Grant Program

Total Expense **\$301,749**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Captain L. Mann

RE: **A Public Hearing and Consideration of an Ordinance for Appropriation of the FY25 DMV Selective Enforcement Police Traffic Services Grant - Pages 89-91**

PURPOSE: A Public Hearing for Consideration of Acceptance and Appropriation of the FY25 DMV Selective Enforcement Police Traffic Services Grant

REASON: The Petersburg Bureau of Police was awarded \$35,950 for the VA Highway Safety Program, which allows funding for personnel and equipment to enforce roadway safety.

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND: The Petersburg Bureau of Police applied for and was awarded the Highway Safety – DMV Selective Enforcement Police Traffic Services Grant. See the Attached ordinance.

COST TO CITY: \$35,950

BUDGETED ITEM: Grant

REVENUE TO CITY: 35,950

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Petersburg Bureau of Police

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - DMV Traffic
2. Traffic Services Grant Budget

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

DMV Selective Enforcement – Police Traffic Services (BPT-2025-55102-25102)

Total Revenue **\$35,950**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

DMV Selective Enforcement – Police Traffic Services (BPT-2025-55102-25102)

Total Expense **\$35,950**



Department of Motor Vehicles

Grant Budget Lines

Date Run: 24-JUL-2024

BPT-2025 - 55102 - 25102 - Petersburg City

PM: Rebecca Overman

Project Director Initials *RL*

Date: *09-20-2024*

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	Overtime hours for selective enforcement	500	20,000.00	20,000.00	20,000.00	0.00
Equipment	Lidars	10	15,950.00	15,950.00	15,950.00	0.00
Matching Funds	Agency vehicle fleet fuel and maintenance	1	17,975.00	17,975.00	0.00	17,975.00
			Total:	53,925.00	35,950.00	17,975.00



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Captain L. Mann

RE: **A Public Hearing and Consideration of an Ordinance for Appropriation of the FY25 DMV Selective Enforcement Alcohol Grant - Pages 92-95**

PURPOSE: A Public Hearing for Consideration of Acceptance and Appropriation of the FY25 DMV Selective Enforcement Alcohol Grant

REASON: The Petersburg Bureau of Police was awarded \$35,950 for the VA Highway Safety Program - Alcohol Open Container Requirements, which allows funding for personnel and equipment to enforce roadway safety.

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND: The Petersburg Bureau of Police applied for and was awarded the Highway Safety – DMV Selective Enforcement Alcohol Open Container Requirements Grant. See the Attached ordinance.

COST TO CITY: \$83,600

BUDGETED ITEM: Grant

REVENUE TO CITY: \$83,600

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Petersburg Bureau of Police

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - DMV Alcohol
2. Alcohol Grant Budget

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

DMV Selective Enforcement – Alcohol (ENF_AL-2025-55105-25105)

Total Revenue **\$83,600**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

DMV Selective Enforcement – Alcohol (ENF_AL-2025-55105-25105)

Total Expense **\$83,600**



Department of Motor Vehicles
Grant Budget Lines

Date Run: 24-JUL-2024

ENF_AL-2025 - 55105 - 25105 - Petersburg City

PM: Rebecca Overman

Project Director Initials

JRP

Date

09-20-2024

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	Overtime hours for selective enforcement	2,000	80,000.00	80,000.00	80,000.00	0.00
Training / Travel	To attend DMV approved training	2	1,600.00	1,600.00	1,600.00	0.00
Equipment	PBT's	5	2,000.00	2,000.00	2,000.00	0.00
Matching Funds	Agency vehicle fleet fuel and vehicle maintenance	1	41,800.00	41,800.00	0.00	41,800.00
			Total:	125,400.00	83,600.00	41,800.00



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **A Public Hearing and Consideration of an Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$1,900,000 - Pages 96-97**

PURPOSE: To appropriate funding for the Petersburg HS Sports Training Facility per unspent City allocations.

REASON: To appropriate funding for the Petersburg HS Sports Training Facility per unspent City allocations.

RECOMMENDATION: Hold public hearing and approve ordinance to appropriate funds.

BACKGROUND: Per the Memorandum of Agreement between the city, PCPS School Board, & the PHS Stadium Enhancement Committee, the City agreed to provide funds to the committee for the purpose of the Training facility project using the funds designated for future capital needs of PCPS.

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 23-R-46

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. ORDINANCE - Stadium Appropriation 2

**AN ORDINANCE TO APPROPRIATE FUNDING FOR THE SPORTS TRAINING FACILITY
AT PETERSBURG HIGH SCHOOL**

WHEREAS, there is an existing MOU between the City, Petersburg City School Board, and the PHS Stadium Enhancement Committee pertaining to the Stadium Enhancement Project; and

WHEREAS, the MOU memorializes the Agreement between the parties regarding funding of the project; and

WHEREAS, in accordance with the MOU, requests for funding by the City shall come from the funds designated for future capital needs of PCPS; and

WHEREAS, People's Advantage Federal Credit Union has previously contributed \$500,000.00 toward completion of the project; and

WHEREAS, the MOU requires that the Committee raise all funds necessary to complete the project estimated at \$5.4M; and

WHEREAS, the MOU further provides that upon the failure of the Committee to raise the funds to complete the project, the City has agreed to match funds raised up to the total cost to complete the project, not to exceed \$2.7 million of contribution by the City per 23-R-46; and

WHEREAS, the City has previously contributed \$500,000.00 toward completion of the project; and

WHEREAS, the Stadium Committee and PHS have requested that the City appropriate \$1,900,000 toward the PHS Stadium Enhancement Project pursuant to the MOU; and

WHEREAS, the MOU contemplates appropriation of City funds only after the Stadium Committee has failed to raise sufficient funds necessary to complete the project, the City desires to assist moving this project forward by appropriating the requested funds without waiving its right to refrain from further appropriations absent full compliance by the Committee and PCPS with the requirements of the MOU;

NOW THEREFORE BE IT ORDAINED that City Council does hereby appropriate \$1,900,000 to the PHS Stadium Enhancement Project.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Leon Glaster - Interim CFO

FROM: March Altman, Jr.

RE: **A Public Hearing and Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003 - Pages 98-107**

PURPOSE: A Public Hearing for Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003

REASON: A Public Hearing for Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003

RECOMMENDATION: Approval of Ordinance

BACKGROUND:

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Ordinance to Authorize the Refund Of Taxes Erroneously Paid
2. Memo_City Council
3. PLAT
4. PAY HISTORY 20160713 TO CURRENT

**AN ORDINANCE TO AUTHORIZE THE REFUND OF TAXES ERONEOUSLY PAID
PURSUANT TO 58.1-3990 OF THE CODE OF VIRGINIA**

WHEREAS, 110 South Perry has contacted the City regarding taxes paid for property owned by 110 South Perry located at 400 W. Wythe Street – Tax Parcel No.: 023150003; and

WHEREAS, such parcel originally consisted of approximately (16) acres but was subdivided in year 2016 to create a smaller parcel consisting of approximately (.49 acres) which was conveyed to 110 South Perry as Tax Parcel No.: 023150003; and

WHEREAS, from the time of subdivision and conveyance to current, 110 South Perry has been billed and has paid taxes upon the entire parcel (16 acres); and

WHEREAS, 110 South Perry is therefore entitled to a statutory refund from 3 years to current for such taxes erroneously paid in accordance with §58.1-3990 of the Code of Virginia; and

WHEREAS, the Commissioner of the Revenue has expressed her concurrence to the Collector of Taxes that such refund is properly owed to the taxpayer as reflected in the attached pay history.

NOW therefore be it ORDAINED that Council does hereby authorize the statutory refund from 3 years to current for overpayments made by 110 South Perry for the difference between taxes owed for the entire parcel and taxes owed for the subdivided reduced parcel (Tax Parce No.: 023150003).

BE IT FURTHER ORDAINED that the Manager is directed to take all necessary actions to effectuate said refund forthwith.

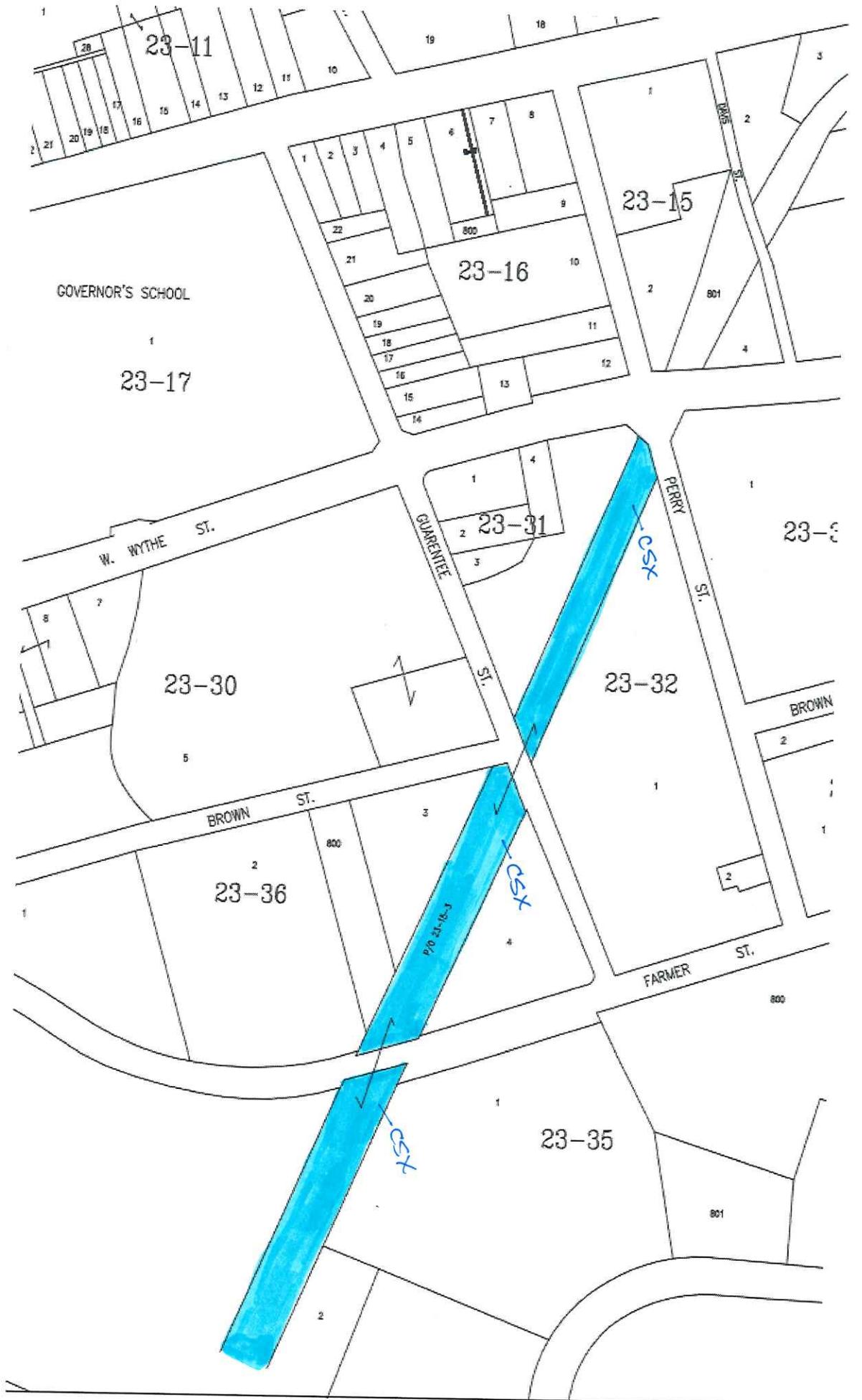
DATE: December 12, 2024
TO: City Council
CC: March Altman and Anthony Williams
FROM: Mary E. Williams
SUBJECT: Ownership Correction for Parcel 023150003, 400 W Wythe St.

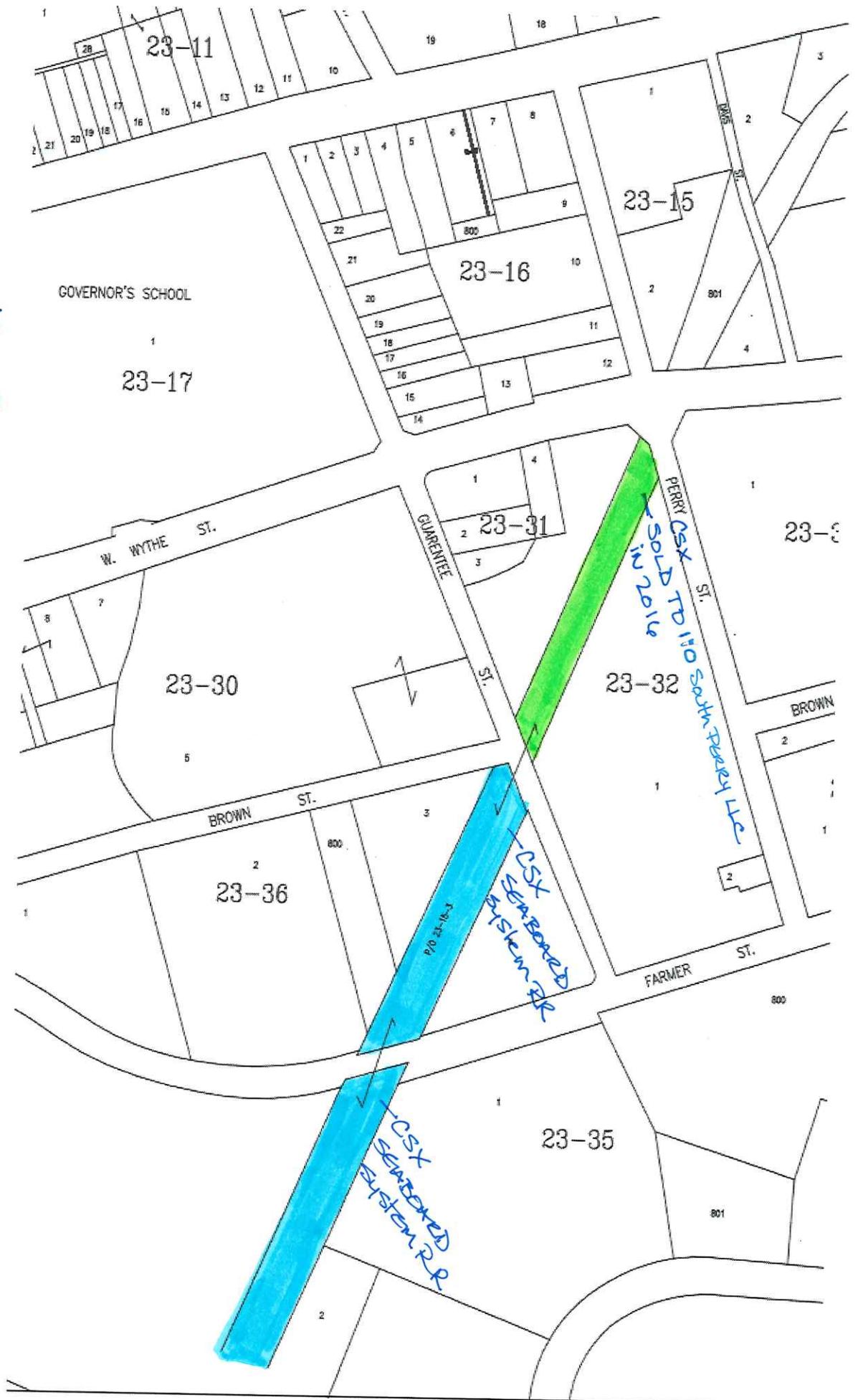
In 2016, this parcel was subdivided to sell a portion (.49 acres) to 110 South Perry LLC. The Assessor at that time transferred the whole parcel under 110 South Perry LLC in error.

We have corrected the ownership and recommend the billing department (Customer Care and Collections) refund the payments made by 110 South Perry LLC from 07/01/2021, to current (the most the state code will allow is current tax year plus an additional 3).

Additionally, we suggest that Seaboard System Railroad (CSX), the rightful owner, be held accountable for payments made as early as July 1, 2021.

BEFORE PARCEL WAS SUBDIVIDED (ALL OWNED BY CSX SEABOARD SYSTEM RR)





AFTER TRACT WAS SUBDIVIDED (CHECK RECORDS)

PERRY CSX TD 110 SOUTH PERRY LLC
SOLD IN 2016

CSX SEWERED
SYSTEM RR

CSX SEWERED
SYSTEM RR

P/O 23-16-1

12/11/2024

CITY OF PETERSBURG

Page 01

TRANSACTIONS FOR 7/13/2016 THRU 12/11/2024

NAME: SEABOARD SYSTEM RAILROAD

SSN: MAP#: 023 150003

Trans#: Drawer:

DEPT	TICKET #	TRANS.DATE	TRNS#	TYP	CHECK#	DESCRIPTION	CHARGES	PAY/ADJ	Move-In	Date	Move-Out
Date	PP	Value									
RE2016	10165-0002	10/01/2016		CHG		UNUSED R/W		1,250.44			.00
RE2016	10165-0003	1/01/2017		CHG		UNUSED R/W		1,250.44			.00
RE2015	10308-0004	1/03/2017	12589	PAY	5074207	CHASE		.00		1,409.87	
RE2016	10165-0001	1/03/2017	12589	PAY	5074207	CHASE		.00		1,250.44-	
RE2016	10165-0001	1/03/2017	12589	INT	5074207	CHASE		34.39		34.39-	
RE2016	10165-0001	1/03/2017	12589	PEN	5074207	CHASE		125.04		125.04-	
RE2016	10165-0002	1/03/2017	12589	PAY	5074207	CHASE		.00		1,250.44-	
RE2016	10165-0003	3/24/2017	22980	PAY	5075705	CHASE		.00		1,250.44-	
RE2016	10165-0004	4/01/2017		CHG		UNUSED R/W		1,250.43		.00	
RE2017	10154-0001	7/01/2017		CHG		UNUSED R/W		1,250.44		.00	
RE2016	10165-0004	7/05/2017	23926	PAY	07/05/17	UNUSED R/W		.00		5,001.72-	
RE2017	10154-0002	10/01/2017		CHG		UNUSED R/W		1,250.44		.00	
RE2017	10154-0003	1/01/2018		CHG		UNUSED R/W		1,250.44		.00	
RE2017	10154-0001	3/26/2018	25147	PAY		UNUSED R/W		.00		1,250.44-	
RE2017	10154-0001	3/26/2018	25147	INT		UNUSED R/W		57.31		57.31-	
RE2017	10154-0001	3/26/2018	25147	PEN		UNUSED R/W		125.04		125.04-	
RE2017	10154-0002	3/26/2018	25147	PAY		UNUSED R/W		.00		1,250.44-	
RE2017	10154-0002	3/26/2018	25147	INT		UNUSED R/W		22.92		22.92-	
RE2017	10154-0002	3/26/2018	25147	PEN		UNUSED R/W		125.04		125.04-	
RE2017	10154-0003	3/26/2018	25147	PAY		UNUSED R/W		.00		1,250.44-	
RE2017	10154-0004	3/26/2018	25147	PAY		UNUSED R/W		.00		920.13-	
RE2017	10154-0004	4/01/2018		CHG		UNUSED R/W		1,250.43		.00	
RE2018	13202-0001	7/01/2018		CHG		UNUSED R/W		1,250.44		.00	
RE2018	13202-0002	10/01/2018		CHG		UNUSED R/W		1,250.44		.00	
RE2014	10315-0004	11/09/2018	1298	PAY		UNUSED R/W		.00		.01	
RE2015	10308-0004	11/09/2018	1298	PAY		UNUSED R/W		.00		1,091.02	
RE2016	10165-0004	11/09/2018	1298	PAY		UNUSED R/W		.00		3,751.29	
RE2017	10154-0004	11/09/2018	1298	PAY		UNUSED R/W		.00		330.30-	
RE2017	10154-0004	11/09/2018	1298	INT		UNUSED R/W		3.03		3.03-	
RE2017	10154-0004	11/09/2018	1298	PEN		UNUSED R/W		33.03		33.03-	
RE2018	13202-0001	11/09/2018	1298	PAY		UNUSED R/W		.00		1,250.44-	
RE2018	13202-0002	11/09/2018	1298	PAY		UNUSED R/W		.00		1,250.44-	
RE2018	13202-0003	11/09/2018	1298	PAY		UNUSED R/W		.00		1,250.44-	
RE2018	13202-0004	11/09/2018	1298	PAY		UNUSED R/W		.00		724.64-	
RE2018	13202-0004	11/09/2018	1299	PAY	0005092285	JPCB		.00		674.40-	
RE2018	13202-0003	1/01/2019		CHG		UNUSED R/W		1,250.44		.00	
RE2018	13202-0004	4/01/2019		CHG		UNUSED R/W		1,250.43		.00	
RE2019	13275-0001	7/01/2019		CHG		UNUSED R/W		1,250.44		.00	
RE2019	13275-0002	10/01/2019		CHG		UNUSED R/W		1,250.44		.00	
RE2019	13275-0001	10/03/2019	666	PAY	5103178	CHASE		.00		1,250.44-	
RE2019	13275-0003	1/01/2020		CHG		UNUSED R/W		1,250.44		.00	
RE2018	13202-0004	1/29/2020	2330	PAY	5106978	CHASE		.00		136.50	
RE2019	13275-0002	1/29/2020	2330	PAY	5106978	CHASE		.00		1,250.44-	
RE2019	13275-0002	1/29/2020	2330	INT	5106978	CHASE		11.46		11.46-	
RE2019	13275-0002	1/29/2020	2330	PEN	5106978	CHASE		125.04		125.04-	
RE2019	13275-0004	4/01/2020		CHG		UNUSED R/W		1,250.43		.00	
RE2020	13269-0001	7/01/2020		CHG		UNUSED R/W		1,250.44		.00	
RE2020	13269-0002	10/01/2020		CHG		UNUSED R/W		1,250.44		.00	
RE2020	13269-0003	1/01/2021		CHG		UNUSED R/W		1,250.44		.00	
RE2020	13269-0004	4/01/2021		CHG		UNUSED R/W		1,250.43		.00	

RE2019	13275-0003	7/01/2021	4490	PAY	5122127	JPM	UNUSED R/W	V2VA/S5B-S6B	.00	1,250.44-
RE2019	13275-0003	7/01/2021	4490	INT	5122127	JPM	UNUSED R/W	V2VA/S5B-S6B	171.93	171.93-
RE2019	13275-0003	7/01/2021	4490	PEN	5122127	JPM	UNUSED R/W	V2VA/S5B-S6B	125.04	125.04-

- Continued -

12/11/2024

CITY OF PETERSBURG

Page 02

TRANSACTIONS FOR 7/13/2016 THRU 12/11/2024

NAME: 110 SOUTH PERRY LLC

SSN: MAP#: 023 150003

Trans#: Drawer:

DEPT	TICKET #	MAP#	TRNS#	TYP	CHECK#	Trans#	Drawer	DESCRIPTION	CHARGES	PAY/ADJ	Move-In	Date	Move-Out
Date	PP	Value	TRANS.DATE										
RE2019	13275-0004		7/01/2021	4490	PAY	5122127	JPM	UNUSED R/W					
RE2019	13275-0004		7/01/2021	4490	INT	5122127	JPM	UNUSED R/W					
RE2019	13275-0004		7/01/2021	4490	PEN	5122127	JPM	UNUSED R/W					
RE2020	13269-0001		7/01/2021	4490	PAY	5122127	JPM	UNUSED R/W					
RE2020	13269-0001		7/01/2021	4490	INT	5122127	JPM	UNUSED R/W					
RE2020	13269-0001		7/01/2021	4490	PEN	5122127	JPM	UNUSED R/W					
RE2020	13269-0002		7/01/2021	4490	PAY	5122127	JPM	UNUSED R/W					
RE2020	13269-0002		7/01/2021	4490	INT	5122127	JPM	UNUSED R/W					
RE2020	13269-0002		7/01/2021	4490	PEN	5122127	JPM	UNUSED R/W					
RE2020	13269-0003		7/01/2021	4490	PAY	5122127	JPM	UNUSED R/W					
RE2020	13269-0003		7/01/2021	4490	INT	5122127	JPM	UNUSED R/W					
RE2020	13269-0003		7/01/2021	4490	PEN	5122127	JPM	UNUSED R/W					
RE2020	13269-0004		7/01/2021	4490	PAY	5122127	JPM	UNUSED R/W					
RE2021	13321-0001		7/01/2021		CHG			UNUSED R/W					
RE2021	13321-0001		9/27/2021	3944	PAY	5124288	JPM	UNUSED R/W					
RE2021	13321-0002		10/01/2021		CHG			UNUSED R/W					
RE2021	13321-0003		1/01/2022		CHG			UNUSED R/W					
RE2018	13202-0004		3/30/2022	1270	PAY			UNUSED R/W					
RE2021	13321-0002		3/30/2022	1268	PAY	5129051	JPM	UNUSED R/W					
RE2021	13321-0002		3/30/2022	1268	INT	5129051	JPM	UNUSED R/W					
RE2021	13321-0002		3/30/2022	1268	PEN	5129051	JPM	UNUSED R/W					
RE2021	13321-0003		3/30/2022	1268	PAY	5129051	JPM	UNUSED R/W					
RE2021	13321-0003		3/30/2022	1270	PAY			UNUSED R/W					
RE2021	13321-0004		4/01/2022		CHG			UNUSED R/W					
RE2022	13336-0001		7/01/2022		CHG			UNUSED R/W					
RE2022	65965-0001		7/01/2022		SUP			UNUSED R/W					
RE2022	13336-0002		10/01/2022		CHG			UNUSED R/W					
RE2021	13321-0004		12/06/2022	492	PAY	5135342	JPMORGA	UNUSED R/W					
RE2022	13336-0001		12/13/2022	16678	PAY	5135348	JPMCB	UNUSED R/W					
RE2022	13336-0001		12/13/2022	16678	INT	5135348	JPMCB	UNUSED R/W					
RE2022	13336-0001		12/13/2022	16678	PEN	5135348	JPMCB	UNUSED R/W					
RE2022	13336-0002		12/13/2022	16678	PAY	5135348	JPMCB	UNUSED R/W					
RE2022	13336-0003		12/13/2022	16678	PAY	5135348	JPMCB	UNUSED R/W					
RE2022	13336-0004		12/13/2022	16678	PAY	5135348	JPMCB	UNUSED R/W					
RE2022	13336-0003		1/01/2023		CHG			UNUSED R/W					
RE2022	13336-0004		4/01/2023		CHG			UNUSED R/W					
RE2023	13384-0001		7/01/2023		CHG			UNUSED R/W					
RE2023	13384-0002		10/01/2023		CHG			UNUSED R/W					
RE2023	13384-0003		1/01/2024		CHG			UNUSED R/W					
RE2021	13321-0004		3/22/2024	27740	PAY			UNUSED R/W					
RE2022	13336-0004		3/22/2024	27740	PAY			UNUSED R/W					
RE2023	13384-0001		3/22/2024	27740	PAY			UNUSED R/W					
RE2023	13384-0004		4/01/2024		CHG			UNUSED R/W					
RE2023	13384-0001		4/16/2024	16504	PAY	5147452	JPMC	UNUSED R/W					
RE2023	13384-0001		4/16/2024	16504	INT	5147452	JPMC	UNUSED R/W					
RE2023	13384-0001		4/16/2024	16504	PEN	5147452	JPMC	UNUSED R/W					
RE2023	13384-0002		4/16/2024	16504	PAY	5147452	JPMC	UNUSED R/W					
RE2023	13384-0002		4/16/2024	16504	INT	5147452	JPMC	UNUSED R/W					
RE2023	13384-0002		4/16/2024	16504	PEN	5147452	JPMC	UNUSED R/W					
RE2023	13384-0003		4/16/2024	16504	PAY	5147452	JPMC	UNUSED R/W					
RE2023	13384-0004		4/16/2024	16504	PAY	5147452	JPMC	UNUSED R/W					

RE2024	13406-0001	7/01/2024	CHG	UNUSED R/W	V2VA/S5B-S6B	1,176.34	.00
RE2022	65965-0002	7/12/2024	SUP	UNUSED R/W	V2VA/S5B-S6B	1,176.34	.00
- Continued -							

12/11/2024 CITY OF PETERSBURG

Page 03

TRANSACTIONS FOR 7/13/2016 THRU 12/11/2024

NAME: 110 SOUTH PERRY LLC

SSN: MAP#: 023 150003

Trans#: Drawer:

DEPT	TICKET #	TRANS.DATE	TRNS#	TYP	CHECK#	DESCRIPTION	CHARGES	PAY/ADJ	Move-In	Date	Move-Out
Date	PP	Value									
RE2022	65965-0003	7/12/2024		SUP		UNUSED R/W	1,176.34	.00			
RE2022	65965-0004	7/12/2024		SUP		UNUSED R/W	1,176.33	.00			
RE2022	65965-0001	7/13/2024	85126	ABA		UNUSED R/W	.00	1,176.34-			
RE2022	65965-0002	7/13/2024	85127	ABA		UNUSED R/W	.00	1,176.34-			
RE2022	65965-0003	7/13/2024	85128	ABA		UNUSED R/W	.00	1,176.34-			
RE2022	65965-0004	7/13/2024	85129	ABA		UNUSED R/W	.00	1,176.33-			
RE2024	13406-0002	10/01/2024		CHG		UNUSED R/W	1,176.34	.00			

-Final Total-

47,656.42 44,265.76-

Finance Monthly Update

January 21, 2025



DEPARTMENT OF FINANCE

AGENDA

Budget to
Actuals

Earned Interest
Update



BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 12.31.2024: 50% of YR Completed	Remaining Budget Balance	% of Budget Expended
CITY COUNCIL	355,765	170,803	184,962	48.01%
CITY MANAGER	930,165	600,594	329,571	64.57%
CITY ATTORNEY	483,217	151,834	331,383	31.42%
HUMAN RESOURCES	783,774	621,724	162,050	79.32%
COMMISSIONER OF REVENUE	485,966	193,680	292,286	39.85%
ASSESSOR	604,870	257,193	372,677	40.83%
CITY TREASURER	326,823	190,783	140,588	57.57%
FINANCE	1,136,311	411,187	748,732	35.45%
CUSTOMER CARE & COLLECTIONS	872,196	301,417	655,779	31.49%
INFORMATION TECHNOLOGY	1,232,838	604,092	628,746	49.00%
PROCUREMENT	355,680	97,197	258,483	27.33%
REGISTRAR	604,892	293,947	310,945	48.59%
CIRCUIT CT. JUDGES & ADMIN	93,991	44,640	49,351	47.49%
GENERAL DISTRICT COURT	53,300	12,940	40,360	24.28%
MAGISTRATES	30,600	7,116	2,784	71.88%
JUVENILE & DOMESTIC RELATIONS	8,750	910	7,840	10.40%
CLERK of the CIRCUIT COURT	995,167	419,749	575,418	42.18%



BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 12.31.2024: 50% of YR Completed	Remaining Budget Balance	% of Budget Expended
SHERIFF	2,447,120	987,106	1,463,014	40.29%
COMMONWEALTH ATTORNEY	1,788,485	693,335	1,095,150	38.77%
VICTIM WITNESS - CITY	26,286	8,346	17,940	31.75%
POLICE DEPARTMENT	10,313,674	4,645,864	5,667,810	45.05%
911 EMERGENCY COMMUNICATIONS	2,117,415	754,592	1,362,823	35.64%
FIRE DEPARTMENT	9,009,509	4,060,532	5,347,724	43.16%
REGIONAL JAIL SERVICE	3,300,000	1,474,096	1,825,904	44.67%
11th DISTRICT COURT	112,237	55,970	56,267	49.87%
VJCCCA SUB-TOTAL	216,725	89,797	126,928	41.43%
CODE ENFORCEMENT	1,410,511	477,981	919,651	34.20%
ANIMAL CONTROL	333,215	137,326	195,889	41.21%
ENGINEERING	482,503	336,876	145,627	69.82%
REFUSE COLLECTION	2,000,000	782,361	1,217,639	39.12%
GROUNDS	1,440,625	417,862	997,618	29.52%
FACILITIES MANAGEMENT	3,258,851	1,558,289	1,690,562	47.96%
CPO CENTER/VCRC	129,510	37,820	91,690	29.20%



BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 12.31.2024: 50% of YR Completed	Remaining Budget Balance	% of Budget Expended
SOCIAL SERVICES	11,235,878	4,694,934	6,553,444	41.74%
CHILDREN'S SERVICES ACT	4,306,600	2,060,397	2,246,203	47.84%
TRANSFER TO SCHOOLS	12,361,478	6,180,739	6,180,739	50.00%
RECREATION & LEISURE SERVICES	806,878	459,940	360,906	56.03%
CEMETERIES	85,040	17,209	67,831	20.24%
TURF MANAGEMENT	420,508	150,649	269,859	35.83%
GOV'T RELATIONS	1,017,300	340,571	714,285	32.29%
PUBLIC LIBRARY	1,474,049	623,816	868,392	41.80%
PLANNING	868,363	410,976	621,269	39.81%
ECONOMIC DEVELOPMENT	520,454	217,978	311,476	41.17%
NON-DEPARTMENTAL	6,780,276	3,063,679	3,781,749	44.76%
DEBT SERVICE	4,181,099	-12,197	4,193,296	-0.29%
TRANSFER TO OTHER FUNDS	2,541,226	2,541,226	0	100.00%
TOTALS	94,384,922	41,698,044	53,478,275	43.81%



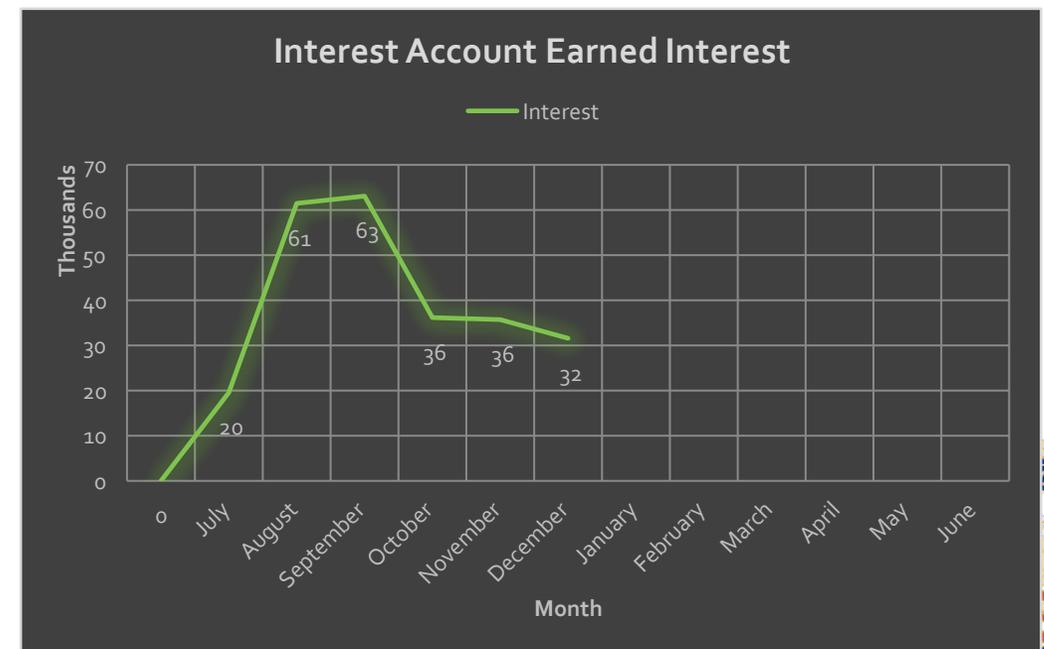
BUDGET TO ACTUALS

Fund/Department	FY25 BUDGET	Expended Thru 12.31.2024: 50% of YR Completed	Remaining Budget Balance	% of Budget Expended
GRANTS				
Victim Witness Grant - Sub-Total	280,553	123,318	157,235	43.96%
Community Corrections - Sub-Total	533,064	242,524	290,540	45.50%
TOTAL GRANTS FUND	813,617	365,842	447,775	44.96%
STREETS				
Streets Operations Sub-Total	7,973,243	4,214,856	3,758,387	39.85%
PUBLIC UTILITIES				
Wastewater Sub-Total	8,257,414	3,735,010	4,522,404	38.88%
Water Sub-Total	6,876,659	3,544,669	3,331,990	44.03%
TOTAL PUBLIC UTILITIES FUND	15,134,073	7,279,679	7,854,394	41.22%
STORMWATER				
Stormwater Services Sub-Total	1,452,283	565,284	886,999	31.72%
DOGWOOD				
Dogwood Golf Sub-Total	1,197,550	674,894	624,656	51.93%
MASS TRANSIT				
Paratransit Sub-Total	246,630	135,226	111,404	46.86%
State/Projects Sub-Total	2,227,273	569,261	1,658,012	23.61%
Administration Sub-Total	3,938,858	1,664,508	2,274,350	35.21%
Maintenance Sub-Total	1,066,204	518,490	547,714	40.19%
TOTAL MASS TRANSIT FUND	7,478,965	2,887,484	4,591,481	32.85%



Earned Interest Update

Category	Adopted Budget Projection	Total Funds in Account	DEC Earned Interest	TOTAL EARNED YTD
LGIP Investment Acct (Local Government Investment Pool)	\$1,400,000	\$42,000,000	\$168,622	\$978,017
AU Bank Interest Account	\$ -		\$31,583	\$247,568
TOTAL EARNED INTEREST				\$1,225,586





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **An Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs - Pages 115-156**

PURPOSE: The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. This text amendment is proposed to clarify these uses and equip staff to effectively enforce the Zoning Ordinance. The proposed amendment will introduce definitions to differentiate between uses and introduce updated standards for new nightclub uses.

REASON: The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. The adoption of the new and updated definitions would allow staff to differentiate between nightclubs and other uses that may feature large gatherings or live entertainment and then permit a given use accordingly.

RECOMMENDATION: Planning Commission and staff recommend approval.

BACKGROUND: Over the last several years, complaints and issues have been raised about certain uses in the City that involve the gathering of large volumes of people, particularly those uses that involve live entertainment. Concerns are shared across City departments and include noise, safety, and proper licensing. While there are similarities between some of the activities involved in these uses, the uses themselves are distinct in nature; uses like restaurants may occasionally feature music or entertainment, but they are unique from nightclubs or social clubs. Despite the distinctions among these uses, the Zoning Ordinance does not currently include definitions of each use and some of the existing definitions are inadequate. Without the ability to clearly classify and distinguish between the uses, staff is challenged to determine where particular uses and activities are allowed and which standards apply in any given case making it difficult to issue violations or penalties where they may be appropriate.

Additionally, concerns have been raised over some existing nightclubs, particularly with noise and safety. Through review and discussion with the Planning Commission, it was determined that some of the existing standards for nightclubs are inadequate while others may be arbitrary or unnecessary. There are existing

nightclubs that are allowed to remain either because they were granted a Special Use Permit or because they have legal nonconforming status, but standards could be updated to ensure that future requests for nightclubs are reviewed on a case-by-case basis and appropriate regulations are applied.

May-October 2024 – The Planning Commission has discussed a possible text amendment updating standards for nightclub uses as well as introducing definitions for several existing uses that involve people gathering and/or live entertainment. On September 5, staff were directed to bring the proposed changes to public hearing.

In November 2024, Council held a public hearing on this matter. Council asked that the item come back to them along with a former Planning Commission recommendation for amending the noise ordinance.

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 1. 24-ZTA-08 Memo
2. 2. Event Uses Final
3. 3. Ordinance 24-ZTA-08
4. 4. Tracked Changes Combined
5. 5. Club Incident Spreadsheet



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: January 2025

TO: City Council

FROM: Planning Commission

RE: 2024-ZTA-08: An ordinance to approve amending and readoption of Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

EXECUTIVE SUMMARY

The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. This text amendment is proposed to clarify these uses and equip Staff to effectively enforce the Zoning Ordinance. The proposed amendment will introduce definitions to differentiate between uses and introduce updated standards for new nightclub uses.

CHRONOLOGY OF EVENTS

1. May-October 2024 – The Planning Commission has discussed a possible text amendment updating standards for nightclub uses as well as introducing definitions for several existing uses that involve persons gathering and/or live entertainment. On September 5, Staff were directed to bring the proposed changes to public hearing.
2. November 2024 – Council held a public hearing and requested that this item return on the agenda this month (January) along with Planning Commission recommendations on the noise ordinance.

BACKGROUND

Over the last several years, complaints and issues have been raised about certain uses in the City that involve the gathering of large volumes of people, particularly those uses that involve live

entertainment. Concerns are shared across City departments and include noise, safety, and proper licensing. While there are similarities between some of the activities involved in these uses, the uses themselves are distinct in nature; uses like restaurants may occasionally feature music or entertainment, but they are unique from nightclubs or social clubs. Despite the distinctions among these uses, the Zoning Ordinance does not currently include definitions of each use and some of the existing definitions are inadequate. Without the ability to clearly classify and distinguish between the uses, staff is challenged to determine where particular uses and activities are allowed and which standards apply in any given case making it difficult to issue violations or penalties where they may be appropriate.

Additionally, concerns have been raised over some existing nightclubs, particularly with noise and safety. Through review and discussion with the Planning Commission, it was determined that some of the existing standards for nightclubs are inadequate while others may be arbitrary or unnecessary. There are existing nightclubs that are allowed to remain either because they were granted a Special Use Permit or because they have legal nonconforming status, but standards could be updated to ensure that future requests for nightclubs are reviewed on a case-by-case basis and appropriate regulations are applied.

Proposed Changes

The proposed amendment comprises three main components:

- 1) Introduce and update definitions to distinguish between gathering, entertainment and event-oriented uses
- 2) Specify where each use is permitted by-right or by Special Use Permit
- 3) Update standards specific to nightclub uses

The following definitions are proposed to be either introduced or updated for clarification:

- Banquet hall/event facility (new) - A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.
- Community club (updated) - 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.
- Private club (updated) - A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

- Lounge or bar (new) - An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.
- Restaurant (updated) – An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

The adoption of the new and updated definitions would allow Staff to differentiate between nightclubs and other uses that may feature large gatherings or live entertainment and then permit a given use accordingly. The proposed amendment would clarify that the uses defined above are permitted by-right in the B-1 Shopping Center, B-2 General Commercial, B-3 Central Commercial, and M-1, Light Industrial Districts. No changes are proposed to where nightclubs are permitted and they would still be allowed with an approved Special Use Permit in the B-2 and M-1 Districts.

Currently, there are certain standards that apply automatically to any nightclub in addition to any conditions set with the Special Use Permit approval. Proposed changes to nightclub standards consist of both updated and new standards.

The following are proposed updates to existing standards:

- A regulation that stated nightclubs cannot serve food or beverages between 2:00 and 6:00 a.m. is updated to state that alcoholic beverages cannot be served during those hours which will allow food and non-alcoholic beverages to still be served
- A regulation that set the maximum area of a dancefloor is updated to instead require a management plan to be submitted along with any request for a nightclub. The management plan will include staffing levels, floorplans and occupant load

The following are new standards proposed:

- A new application for a nightclub must be accompanied by a security plan that includes provisions for the employment of licensed security personnel as well as procedures for crowd management during and immediately following hours of operation.
- Soundproofing measures are to be incorporated to minimize noise in the nightclub and in surrounding areas.
- A Special Use Permit for a nightclub is subject to automatic review after two years to determine compliance with the conditions of approval.

COMPREHENSIVE PLAN CONSIDERATIONS

The PetersburgNEXT Comprehensive Plan emphasizes the importance of places for people to gather and states that entertainment uses are one of the most desirable non-residential uses in

the City. They are noted as uses that serve residents as well as non-residents as a feature of the City's tourism plans and efforts. Entertainment is listed as a feature of both Community Mixed-Use and Corridor Commercial Areas as designated on the Future Land Use Map. These areas comprise most of the downtown as well as major commercial corridors.

The goal of the text amendment is to continue to foster uses that allow people to gather and be entertained, but to provide clarity to where and how the uses are permitted and to what standards they are held.

RECOMMENDATION: Staff and Planning Commission recommend approval of the proposed text amendment.

CITY COUNCIL
MEETING

JANUARY 2025



2024-ZTA-08:

Consideration of an ordinance to approve amendment and readoption of Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

Background

- Need for clarification/definition of certain uses involving events and gatherings.
- Ongoing discussion since May; brought due to staff concerns, amended based on Commission feedback.
- Council held a public hearing in November. This item was differed until January to bring the noise ordinance with it.

Overview

Components of the proposed amendment:

- A.** Introduce and update definitions to distinguish between gathering, entertainment and event-oriented uses
- B.** Specify where each use is permitted by-right or by Special Use Permit
- C.** Update standards specific to nightclub uses

Unchanged Definitions

Nightclub.

- An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

Live Entertainment

- An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

New/Amended Definitions

Banquet hall/Event Facility.

- A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

Restaurant.

- An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

Lounge or bar.

- An area, or room, utilized primarily for the sale of alcoholic beverages for consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

New/Amended Definition cont.

Club, community.

- 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.

Club, private.

- A use that provides meeting areas or social facilities for civic or social clubs, and similar organizations and associations, that hold regular meetings or events for dues-paying members and their guests, only. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

Remaining/Amended Use Standards - Nightclubs

Nightclubs allowed in B-2, B-3, and M-1 Zoning Districts with a special use permit; subject to automatic conditions:

- a) A nightclub shall not serve **alcoholic** beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- b) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- c) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- d) The establishment shall maintain a current, active business license at all times while in operation.
- e) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- ~~f) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.~~

New Use Standards - Nightclubs

An application for a nightclub use shall include a management program with required elements as follows:

- 1) Staffing levels
- 2) Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this floor plan shall be posted on the premises in a prominent location viewable by patrons
- 3) Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.

An application for a nightclub use shall include a security plan with provisions for the following:

- 1) The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted
- 2) Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation

New Use Standards – Nightclubs (cont.)

The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed.

An approved special use permit shall be reviewed after two (2) years for compliance with the conditions of approval.

Changes from former proposals:

- Clarification on hours of operation/ability to serve food/beverages.
- Dance floor maximum removed, each nightclub request to include management program and reviewed case-by-case.
- No requirement for loudspeakers/instruments to cease prior to closing of establishment.
- Event uses other than nightclubs to remain by-right in B-1, B-2, B-3, and M-1 Districts.

Comprehensive Plan Considerations

- Spaces for people to gather are important; entertainment uses are one of the most desired non-residential uses in the City
- These uses are key features of Community Mixed-Use and Corridor Commercial Areas; serve both residents and visitors
- Goal is to foster these uses, but to make sure Ordinance is clear on where and how

Recommendation

- Staff recommends approval.
- Planning Commission recommends approval.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance to amend and readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE TO APPROVE AMENDING AND READOPTING ARTICLE 3. – DEFINITIONS, ARTICLE 14. – B-1 SHOPPING CENTER DISTRICT REGULATIONS, AND ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO GATHERING AND EVENT USES, INCLUDING NIGHTCLUBS

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3. – Definitions, Article 14. – B-1 Shopping Center District Regulations, and Article 23 – Supplementary Use Regulations – Special Uses, which deal, in part, with certain uses that involve persons gathering for events or entertainment; and

WHEREAS, there are a number of undefined or unclearly defined uses in the City that involve events and gatherings which have qualities distinguishing them from one another; and

WHEREAS, classifying of uses for permitting and enforcement of potential violations of the Zoning Ordinance for these uses is currently difficult due to the lack of distinction between uses written in the Zoning Ordinance; and

WHEREAS, City Council has considered updating standards for nightclubs to better address issues and complaints; and

WHEREAS, the City Council approves adopting language to define and distinguish between gathering and event-oriented uses supports updating standards to more effectively regulate nightclub uses the City; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions, Article 14. – B-1 Shopping Center District Regulations, and Article 23 – Supplementary Use Regulations – Special Uses as indicated in Exhibit A.

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, 11-15-1994)

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 article) 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 article) 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 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 exploited 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

PART II - CODE
APPENDIX B - ZONING

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.

Alternative financial institution. Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

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."

Assisted living facility. A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

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 of 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.

Banquet hall/Event facility. A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

PART II - CODE
APPENDIX B - ZONING

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half 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 rooms, limited to no more than one 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 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, §§ 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 or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

Club, community. 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.

Club, private. A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

PART II - CODE
APPENDIX B - ZONING

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.

Driveway. The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

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 family.

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

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

Dwelling, townhouse. One of a series of from three to 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 or any 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 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 person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two 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 to nine children are received for care, protection and guidance during only a part of the 24-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 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.

PART II - CODE
APPENDIX B - ZONING

Garage, private. An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four 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 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 degrees of being parallel to and not more than 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.

Group home. As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

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.

PART II - CODE
APPENDIX B - ZONING

Hotel, motel. An establishment primarily engaged in the rental of more than six 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.

Live entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

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 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 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.

Lounge or bar. An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

Micro-brewery, micro-distillery, micro-winery and/or micro-cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

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 food unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Mobile home. An industrialized building unit which is eight feet or more in width and 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 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 or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

PART II - CODE
APPENDIX B - ZONING

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 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 or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) ~~A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.~~
- (2) ~~A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.~~
- (3) ~~No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.~~
- (4) ~~The establishment shall maintain a current, active business license at all times while in operation.~~
- (5) ~~The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.~~
- (6) ~~The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.~~

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, 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 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 club. ~~An establishment of a private not for profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.~~

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

PART II - CODE
APPENDIX B - ZONING

Private plaza. A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

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

Recreational Substances. Recreational substances includes the following:

- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

Recreational Substances Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances Retail, On-Site Use. Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

Restaurant. An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises **primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.**

Restaurant, carry out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

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.

PART II - CODE
APPENDIX B - ZONING

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.

Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Solar panel, small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Solar farm. Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

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 framework 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 feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for

PART II - CODE
APPENDIX B - ZONING

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 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 4,500 pounds; or being of any length provided its overall length does not exceed 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 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six 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.

PART II - CODE
APPENDIX B - ZONING

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

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 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 use;
 - (2) Uses permitted in the project area, according to 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.
 - (3) Micro-brewery, micro-distillery, micro-winery and/or micro-cidery, with the following conditions:
 - a. No heat may be used in the brewing, distilling wine making or cider making production processes;
 - b. A maximum quantity of 5,000 gallons may be produced each year;
 - c. Alcohol levels in beverages shall be 16 percent or below to minimize combustibility;
 - d. No offensive odors shall be produced; Noise levels will comply with the City's Code regarding noise;
 - e. Development and operations must comply with all relevant codes including alcoholic beverage control, building, health and public safety.
- (1) Banquet hall/Event Facility
 - (2) Restaurant
 - (3) Lounge or bar
 - (4) Club, community or private

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 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 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 30 percent of the entire lot area of the project; all buildings shall be set back not less than 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 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 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.

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.

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;

PART II - CODE
APPENDIX B - ZONING

- (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 (½) 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- and subject to the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
 - a. A nightclub shall not serve alcoholic beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.;
 - b. A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar;
 - c. No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided;
 - d. The establishment shall maintain a current, active business license at all times while in operation;
 - e. The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation;
 - f. An application for a nightclub use shall include a management program with required elements as follows:
 - 1. Staffing levels;
 - 2. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this

- floor plan shall be posted on the premises in a prominent location viewable by patrons;
3. Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.
- g. An application for a nightclub use shall include a security plan with provisions for the following:
 1. The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted;
 2. Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation.
 - h. The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed;
 - i. A special use permit granted for a nightclub use shall be subject to review two (2) years after approval for compliance with the conditions of approval.
- (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.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
 - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
 - b. No exterior alterations to the residence;
 - c. Not transferable;
 - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
 - e. No more than two (2) employees;
 - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
 - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.

Section 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

PART II - CODE
APPENDIX B - ZONING

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, noncommercial 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"

PART II - CODE
APPENDIX B - ZONING

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.

May 2023-May 2024

Club Name:	Address	Types of Incidents:									Total number of Incidents:
		Proactive (Police presence, Prop. Check, etc.)	Disturbance	Firearm Related	Larceny, Robbery, etc.	Traffic, Vehicle Related	Fight, Assaults	Noise violation	Off Duty Assignment	Miscellaneous	
Liaison	37 N Crater RD	107	7	2	3	15	6	1	0	4	145
Paradise	1714 E Washington St	12	7	0	1	6	4	0	54	6	90
Andrades	7 Bollingbrook St	37	3	8	1	3	4	10	0	11	77
Mars club 17	118 Mars St	16	4	1	0	2	2	25	2	14	66
Civic	136 River St	12	7	1	3	3	3	1	10	11	51
Good Vibes	3035 S Crater Rd	17	7	0	1	1	1	0	0	10	37
Horseman	2793 S Crater Rd	1	0	0	1	1	1	0	13	3	20
Wabi	29 Bollingbrook Rd	0	2	1	8	1	1	0	0	5	18
Longstreets	302 N Sycamore St	1	4	0	0	3	0	0	1	8	17
Alibi	305 N Sycamore St	0	5	0	0	2	0	0	0	9	16
Trapezium	423 Third St	0	1	0	2	1	0	0	0	5	9
Dreamz	840 E Wythe St	0	0	1	0	0	0	1	0	1	3



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **An Ordinance to Amend and Readopt Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Data Center Uses - Pages 157-209**

PURPOSE: To create a use for data centers as well as regulations. Also, to establish a fee for Planning Commission public hearings for new public infrastructure. These hearings are required by Code of Virginia Section 15.2-223.

REASON: Due to increased interest in constructing data centers in the City, Planning Commission is recommending a text amendment to ensure the use can be accommodated without adverse impacts on surrounding properties.

RECOMMENDATION: Planning Commission and staff recommend approval.

BACKGROUND: Data centers are physical locations that store computing machines and their related hardware equipment. They contain the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment. Data center developments commonly include water cooling and storage facilities, substations, generators, and fire suppression and security systems.

Over the last several months, there has been growing interest in the development of data centers on certain properties within the City and the Development Review Team is currently reviewing plans for one facility at 2255 Jamestown Drive. Data centers are not currently a listed use in the Zoning Ordinance and have been viewed in the past as comparable to general warehousing uses, but these facilities do have certain unique characteristics that warrant specific attention.

Data centers can be beneficial for localities, particularly in the way of economic development as they attract business, diversify the economy, and increase government revenue through property, real estate, and machine and equipment taxes. Property values in areas surrounding data centers generally increase and data centers provide specialized career opportunities. Data centers can also result in infrastructure investment and have a lower impact on existing streets relative to other industrial uses.

In addition to the local benefits associated with data centers, there are also some adverse impacts associated with the use. These include high noise levels from servers, cooling systems, ventilation systems, and generators. Data centers also create large demands for energy and can require new electrical infrastructure such as substations to support the uses. Data centers produce high levels of heat due to the amount of energy required to store and process the information inside the facility, which leads to a need for cooling systems. The cooling systems are often water-based, which can be a burden on existing utilities and services if potable water is being used. Data centers have certain visual impacts due to their scale and often feature bulky, flat walls as well as security fencing with anti-intrusion features.

Data centers are generally appropriate in industrially zoned areas, but it should be noted that the City has a considerable amount of industrial zoning which borders incompatible zones and uses such as residential or parkland. The proposed text amendment aims to maximize benefits to the City by allowing for data centers but ensuring they are appropriately located and any adverse impacts on surrounding properties can be reasonably mitigated.

Council held a public hearing on this text amendment on November 18th, but requested more information on data centers. At the January 7th Council Work Session staff brought two speakers to the meeting to share information on data centers from the planning and economic development perspective. This item is back before Council for action.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 1. 24-ZTA-07 Memo
2. 2. Data Centers
3. 3. Ordinance 24-ZTA-07
4. 4. Tracked Changes - Combined



City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

MEMORANDUM

DATE: January 2025

TO: City Council

FROM: Planning Commission

RE: 2024-ZTA-07: Consideration of a resolution recommending amendment and readoption of Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to data center uses.

EXECUTIVE SUMMARY

Due to increased interest in constructing data centers in the City, Planning Commission is recommending a text amendment to ensure the use can be accommodated without adverse impacts to surrounding properties. The proposed amendment will include definitions, clarification of where data centers are allowed, and development standards specific to data center uses.

CHRONOLOGY OF EVENTS

1. May-October 2024 – The City has received several inquiries about the construction of data centers in the City, including plans for a data center at 2255 Jamestown Drive.
2. September 5, 2024 – Staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.
3. November 2024 – Council held a public hearing and requested additional information on data centers.
4. January 2025 – At the Council work session, Buddy Rizer with Loudoun County Economic Development and David McGettigan with Prince William County Planning presented more information on data centers from an economic development and planning perspective.

BACKGROUND

Data centers are physical locations that store computing machines and their related hardware equipment. They contain the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment. Data center developments commonly include water cooling and storage facilities, substations, generators, and fire suppression and security systems.

Over the last several months, there has been growing interest in the development of data centers on certain properties within the City and the Development Review Team is currently reviewing plans for one facility at 2255 Jamestown Drive. Data centers are not currently a listed use in the Zoning Ordinance and have been viewed in the past as comparable to general warehousing uses, but these facilities do have certain unique characteristics that warrant specific attention.

Data centers can be beneficial for localities, particularly in the way of economic development as they attract business, diversify the economy, and increase government revenue through property, real estate, and machine and equipment taxes. Property values in areas surrounding data centers generally increase and data centers provide specialized career opportunities. Data centers can also result in infrastructure investment and have a lower impact on existing streets relative to other industrial uses.

In addition to the local benefits associated with data centers, there are also some adverse impacts associated with the use. These include high noise levels from servers, cooling systems, ventilation systems, and generators. Data centers also create large demands for energy and can require new electrical infrastructure such as substations to support the uses. Data centers produce high levels of heat due to the amount of energy required to store and process the information inside the facility, which leads to a need for cooling systems. The cooling systems are often water-based, which can be a burden on existing utilities and services if potable water is being used. Data centers have certain visual impacts due to their scale and often feature bulky, flat walls as well as security fencing with anti-intrusion features.

Data centers are generally appropriate in industrially zoned areas, but it should be noted that the City has a considerable amount of industrial zoning which borders incompatible zones and uses such as residential or parkland. The proposed text amendment aims to maximize benefits to the City by allowing for data centers but ensuring they are appropriately located and any adverse impacts on surrounding properties can be reasonably mitigated.

Proposed Changes:

Firstly, the proposed text amendment would define a data center as *“an establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited*

to, air handlers, water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.”

Planning Commission is recommending that data centers be allowed by-right in both the M-1, Light Industrial District and M-2, Heavy Industrial District subject to certain conditions aimed at minimizing impacts to surrounding properties, particularly residential properties. The proposed regulations were drafted based on guidance from other localities in the State as well as feedback from potential developers of data centers within the City.

The following provisions are proposed for data centers in both districts:

- If a data center use adjoins residential property or a public park:
 - Primary structures would have to be set at least 100 feet from the shared boundary with the residence or park.
 - A vegetated buffer including a berm, trees, and shrubs is required along the shared boundary with the residence or park; the width of the buffer will vary based on overall greenspace on the site.
 - Pre-construction and post-construction noise studies would be required; if noise levels exceed permitted noise in the residential district/park, mitigation measures would be required.
- Cooling systems would be required to use recycled water rather than potable water.

The following provisions would only apply in the M-1, Light Industrial District:

- Ground and roof-mounted mechanical equipment would need to include sound muffling materials.
- Fencing that includes barbed wire or other visible anti-intrusion devices must be 35 feet from public street.

The proposed text amendment would also allow a developer to request a Special Use Permit to for the construction of a data center on M-1 or M-2 zoned property unable to accommodate the requirements listed above. This would allow for case-by-case review of sites that still may be able to effectively mitigate negative impacts, but not meet all of the development standards.

Additionally, the proposed text amendment would introduce a fee for reviews required by Code of Virginia Section 15.2-2232 pertaining to new public infrastructure when those reviews require a public hearing. As the City sees more requests for data centers, it is likely that there will also be more requests to review proposed substation locations.

COMPREHENSIVE PLAN CONSIDERATIONS

The PetersburgNEXT Comprehensive plan is supportive of attracting new and desirable industry and points to benefits like a diversified economy and job creation. Strategies include identifying and targeting prospective businesses and finding opportunities for future investment. It goes on

to recommend working with developers to provide utility and infrastructure improvements where needed, which can be an effect of allowing data centers.

The Plan also calls for siting industry in appropriate areas and integrating environmentally friendly development practices when possible. There is emphasis on providing appropriate setbacks and screening along property lines adjacent to residential development.

In all, the Plan encourages providing maximum benefits for employers, the City, and the community. This can be accomplished through the balance of allowing data center development, but ensuring it is line with maintaining the health and welfare of City residents.

RECOMMENDATION: Staff and Planning Commission recommend approval of the text amendment.

CITY COUNCIL
MEETING

JANUARY 2024



2024-ZTA-07:

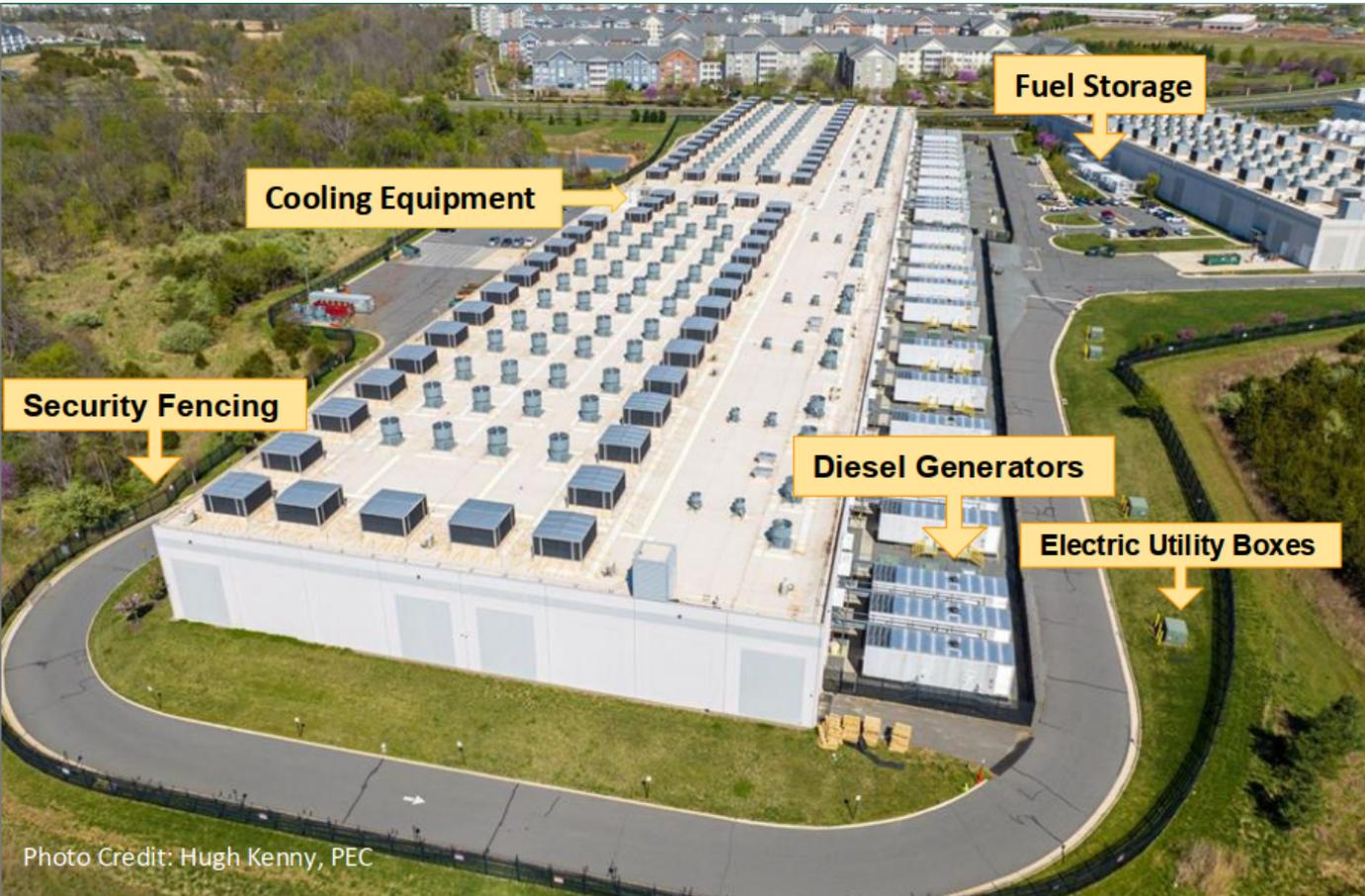
Consideration of an ordinance amending and readopting Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to data center uses.

Background

- Data Center - a physical location that stores computing machines and their related hardware equipment. It contains the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment.
- Prevalent in Northern Virginia, increasingly common in rural areas and small towns/cities.
- Interest in several sites in Petersburg.
- Not a listed use in Zoning Ordinance.

Background

- At the public hearing in November, Council requested more information on data centers. Staff coordinate with Buddy Rizer with Loudoun Economic Development and David McGettigan with Prince William County Planning.
- This item is back on the agenda for action.



Overview

Components of the proposed amendment

- A. Define data center use
- B. Stipulate when and where use is permitted by-right and with special use permit
- C. Specify design standards for data center use
- D. Introduce fee for “Substantial Accord” reviews when public hearing is required

Benefits of Data Centers

- Economic Development
 - Attract business
 - Diversify industrial economy
 - Increase in property value
 - Tax Generation (property, real estate, machine)
 - Job creation throughout process
 - Skill and career training
- Investment in Infrastructure
- Lower impact on existing streets

Data Center Impacts

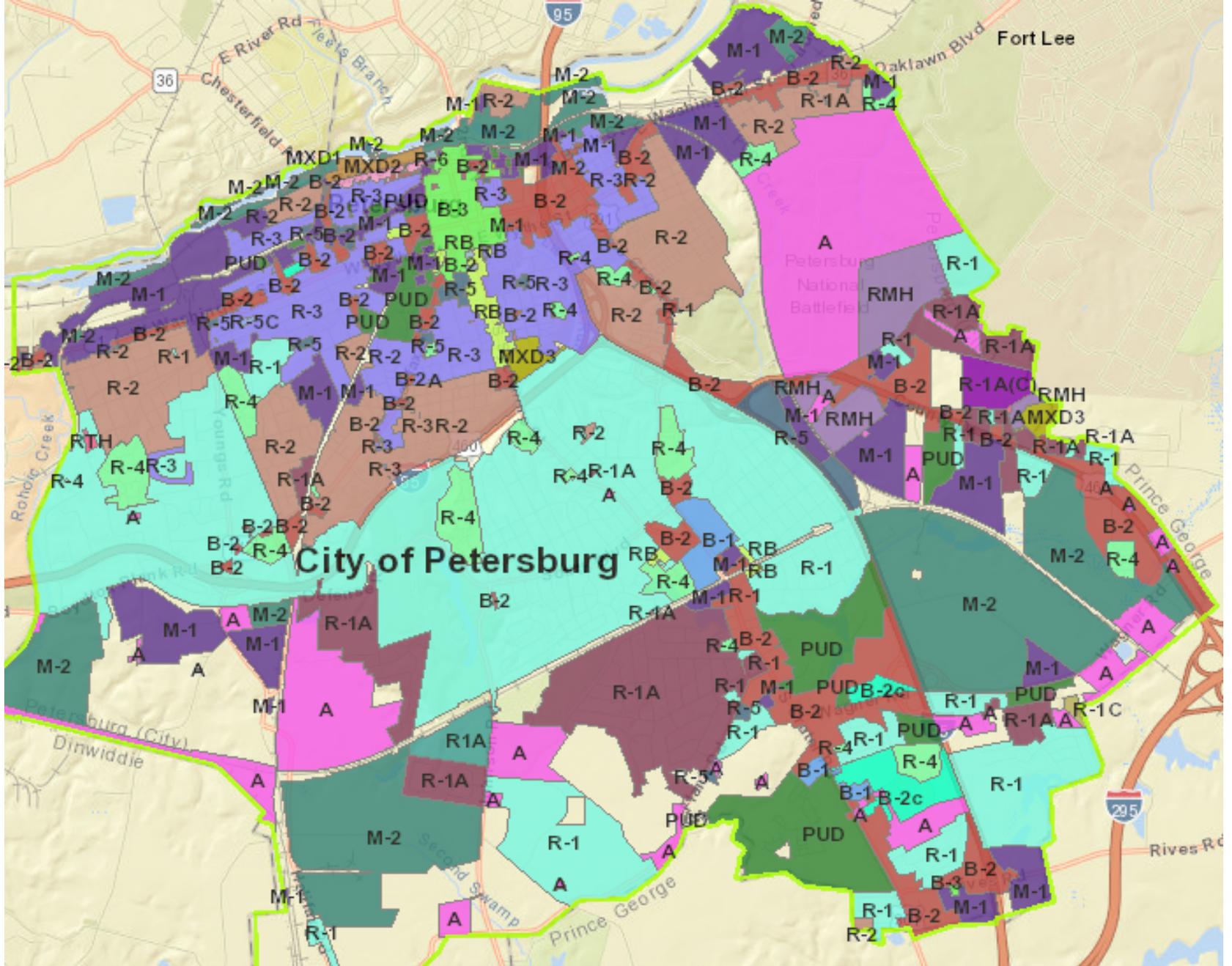
- Noise
- Energy Demands
- Heat Generation
- Water Consumption
- Aesthetics

Definition

An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited to, air handlers, water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.

Where/How Permitted

- Development standards are proposed to offset potential adverse impacts.
- Data centers to be allowed by-right in the M-1, Light Industrial and M-2, Heavy Industrial Districts if all development standards can be met .
- If all standards can't be met, a Special Use Permit can be applied for in the M-1 or M-2 Districts.



Development Standards

- If data center abuts residential property or public park:
 - Increased setbacks of 100 feet for primary structures
 - Vegetated buffer consisting of berm and mixed plantings required along shared boundary (buffer size varies based on total greenspace on site)
 - Pre and Post-construction noise studies required; possibly additional noise mitigation
 - Sound mitigation to be used for mechanical equipment*
 - Barbed wire/anti-intrusion fencing to be setback from public street*
 - Closed-loop water reuse systems to be employed for water-based cooling
- *Standard only applies in M-1, Light Industrial District

Substantial Accord Reviews

- Required in accordance with Code of Virginia Section 15.2-2232.
- If public facility or utility infrastructure (e.g. street or substation) is not identified on Comprehensive Plan, Planning Commission must review location, character, and extent thereof.
- \$500 fee to cover cost of advertisement and property owner notifications **IF public hearing is required.**

Key Considerations

Comprehensive Plan supports attracting industry but emphasizes adequate infrastructure and mitigation of environmental impacts.

Industrial zoning districts in the City are not concentrated; primary focus of standards is impact on surrounding properties when uses/districts are incompatible.

Special use permit process allows for case-by-case review of sites with unique characteristics.

Recommendation

- Staff recommends approval.
- Planning Commission recommends approval.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to data center uses.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE TO APPROVE AMENDING AND READOPTING ARTICLE 3. – DEFINITIONS, ARTICLE 17. – M-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS, ARTICLE 18. – M-2 HEAVY INDUSTRIAL DISTRICT REGULATIONS, ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES, AND ARTICLE 31. – PERMITS, PLATS, AND FILING FEES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO DATA CENTER USES

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3. – Definitions, Article 17. – M-1 Light Industrial District Regulations, Article 18.- Heavy Industrial District Regulations, Article 23 – Supplementary Use Regulations – Special Uses, and Article 31. – Permits, Plats, and Filing Fees which deal with land uses in the City and regulation of such uses; and

WHEREAS, data centers are an emerging land use in the City with economic benefits as well as certain unique impacts such as noise and utility demand and these uses commonly require new utility infrastructure; and

WHEREAS, the Zoning Ordinance does not currently define data centers or list them as a permitted use with development standards; and

WHEREAS, City Council is supportive of explicitly allowing data centers as a by-right use in the City's Industrial Districts subject to certain regulations to mitigate adverse impacts to surrounding properties, particularly properties used for residential purposes and public parks; and

WHEREAS, the City Council supports allowing data centers subject to a Special Use Permit where industrial-zoned properties are not able to meet all aforementioned regulations; and

WHEREAS, the City Council supports introducing a review fee for requests to review public utilities for conformance with the City's Comprehensive Plan per Title 15.2-2232 of the Code of Virginia, as amended, when such a review requires a public hearing; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions, Article 17. – M-1 Light Industrial District Regulations, Article 18.- Heavy Industrial District Regulations, Article 23 – Supplementary Use Regulations – Special Uses, and Article 31. – Permits, Plats, and Filing Fees as indicated in Exhibit A.

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, 11-15-1994)

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 article) 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 article) 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 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 exploited 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

PART II - CODE
APPENDIX B - ZONING

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.

Alternative financial institution. Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

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."

Assisted living facility. A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

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 of 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 of its height below grade.

PART II - CODE
APPENDIX B - ZONING

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 rooms, limited to no more than one 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 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, §§ 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 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 insures 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.

Data Center. An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited to, air handlers,

water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.

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.

Driveway. The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

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 family.

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

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

Dwelling, townhouse. One of a series of from three to 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 or any 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 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 person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two 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 to nine children are received for care, protection and guidance during only a part of the 24-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 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 900 square feet in area, designed or used for the storage of not more than four 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 tons capacity.

PART II - CODE
APPENDIX B - ZONING

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 degrees of being parallel to and not more than 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.

Group home. As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

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 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.

PART II - CODE
APPENDIX B - ZONING

Live entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

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 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 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.

Micro-brewery, micro-distillery, micro-winery and/or micro-cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

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 food unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Mobile home. An industrialized building unit which is eight feet or more in width and 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 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 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 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

PART II - CODE
APPENDIX B - ZONING

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 or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- (2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (4) The establishment shall maintain a current, active business license at all times while in operation.
- (5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- (6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, 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 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 club. An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

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

Private plaza. A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

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

Recreational Substances. Recreational substances includes the following:

PART II - CODE
APPENDIX B - ZONING

- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

Recreational Substances Retail, Off-Site Use. Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances Retail, On-Site Use. Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

Restaurant. An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

Restaurant, carry out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

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.

Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Solar panel, small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.22288.7.

PART II - CODE
APPENDIX B - ZONING

Solar farm. Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

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 framework 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 feet below the plate, shall be counted as a half-story when not more than 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."

PART II - CODE
APPENDIX B - ZONING

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 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 4,500 pounds; or being of any length provided its overall length does not exceed 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 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six 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 article.

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 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-1" 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);

PART II - CODE
APPENDIX B - ZONING

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, preserving, 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;

PART II - CODE
APPENDIX B - ZONING

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);
Yam, 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;
Planning 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;

PART II - CODE
APPENDIX B - ZONING

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.

(3) Data Centers, subject to the following conditions:

- a. All principal structures shall be set back at least one hundred (100) feet from any property line abutting a property used or zoned for residential purposes or a public park;
- b. A vegetated buffer fifty (50) feet in width shall be required along any property line abutting or across a road from a property used or zoned for residential purposes or a public park; for sites on which seventy (70) percent or more of the existing open space or vegetated area is cleared for the development, the buffer shall be a minimum of one hundred (100) feet in width;
 1. The buffer shall consist of an earthen berm that has a minimum height of six (6) feet and a slope not steeper than two-to-one (2:1) with plantings including a combination of large and understory deciduous trees, large and small evergreen trees, and ornamental trees and shrubs at a rate of one hundred and twenty (120) plants per one hundred (100) linear feet; a minimum of forty (40) percent of the plantings shall be large evergreen trees on minimum 20-foot centers and no more than twenty (20) percent of the plantings shall be shrubs.

2. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Planning Director to provide visual screening equivalent to the buffer yard with earthen berm.
- c. For sites that abut property used or zoned for residential purposes or a public park, the following noise studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development;
 1. A pre-construction study shall be submitted at the time of site plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
 2. A post-construction study of noise conditions at the time of operations shall be submitted at least one (1) month but no more than twelve (12) months. after the issuance of the first Certificate of Occupancy for the development.
 3. Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in Chapter 50, Section 50-36 of the City Code as measured at the boundary abutting a property used or zoned for residential purposes or a public park , noise mitigation measures shall be required to secure conformance. Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the site plan. The Zoning Administrator has the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.
- d. All mechanical equipment, both on ground and roof-mounted equipment, shall be attenuated through sound mitigation measures including, but not limited to, sound muffling materials;
- e. Fencing of the property is permitted, provided that fencing within thirty-five (35) feet of a public street does not include barbed wire or other similar visible intrusion deterrence devices;
- f. Closed-loop systems shall be utilized if water-based cooling is employed for the facility. This requirement may be waived or amended by the Director of Public works.

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 often (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.

6. Data Centers, subject to the following conditions:

- a. All principal structures shall be set back at least one hundred (100) feet from any property line abutting a property used or zoned for residential purposes or a public park;
- b. A vegetated buffer fifty (50) feet in width shall be required along any property line abutting or across a road from a property used or zoned for residential purposes or a public park; for sites on which seventy (70) percent or more of the existing open space or vegetated area is cleared for the development, the buffer shall be a minimum of one hundred (100) feet in width;
 1. The buffer shall consist of an earthen berm that has a minimum height of six (6) feet and a slope not steeper than two-to-one (2:1) with plantings including a combination of large and understory deciduous trees, large and small evergreen trees, and ornamental trees and shrubs at a rate of one hundred and twenty (120) plants per one hundred (100) linear feet; a minimum of forty (40) percent of the plantings shall be large evergreen trees on minimum 20-foot centers and no more than twenty (20) percent of the plantings shall be shrubs.
 2. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Planning Director to provide visual screening equivalent to the buffer yard with earthen berm.
- c. For sites that abut property used or zoned for residential purposes or a public park, the following noise studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development;
 1. A pre-construction study shall be submitted at the time of site plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
 2. A post-construction study of noise conditions at the time of operations shall be submitted at least one (1) month but no more than twelve (12) months after the issuance of the first Certificate of Occupancy for the development.
 3. Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in Chapter 50, Section 50-36 of the City Code as measured at the boundary abutting a property used or zoned for residential purposes or a public park, noise mitigation measures shall be required to secure conformance. Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the site plan. The Zoning Administrator has the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.

- d. Closed-loop systems shall be utilized if water-based cooling is employed for the facility. This requirement may be waived or amended by the Director of Public works.

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:

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

PART II - CODE
APPENDIX B - ZONING

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 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;

PART II - CODE
APPENDIX B - ZONING

- (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 (½) 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.

PART II - CODE
APPENDIX B - ZONING

- (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.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
 - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
 - b. No exterior alterations to the residence;
 - c. Not transferable;
 - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
 - e. No more than two (2) employees;
 - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
 - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.
- (39) Data centers which cannot meet the standards of Article 17 Section 2.3 or Article 18 Section 2.6, such to be permitted within the M-1 and M-2 Districts only.

Section 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, noncommercial 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 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 therefor 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) Fee schedule:

Home occupation permits: \$50.00

Zoning permits: \$50.00

Zoning confirmation letters: \$100.00 (\$500.00 expedited)

Site plans: \$800.00 + \$50.00 for every acre or part thereof disturbed more than one acre

Site plan re-review: \$250.00

DMV zoning confirmation: \$100.00

Temporary sign permit: \$75.00

Permanent signs: \$150.00

Zoning ordinance amendment: \$1,500.00

Rezoning: \$1,500.00

Special use permit: \$1,500.00

Plan amendments: \$1,500.00

Variance: \$500.00

Appeal of zoning administrator: \$500.00

Special exception: \$500.00

Substantial Accord Review per Code of Virginia Section 15.2-2232: \$500 if Public Hearing is required

- (2) The submission of fees at the time of application and the payment of fees prior to application is required.
- (3) Prior to the initiation of an application any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **A Resolution Supporting the Partnership Between the City of Petersburg and Virginia State University to Enhance the Tree Canopy and Provide Educational Opportunities in Poplar Lawn Park Via a Gift of \$56,000 to the City of Petersburg Provided Through Virginia State University and From the Department of Forestry - Pages 210-211**

PURPOSE: To support a donation of \$56,000 for time, services, and trees in Poplar Lawn Park through a grant that Virginia State University received from the Department of Forestry.

REASON: To accept a donation of services, time, trees, and tree maintenance for Poplar Lawn Park through a \$56,000 grant VSU received for Poplar Lawn Park.

RECOMMENDATION: Approval

BACKGROUND: Virginia State University submitted an application for funding to prune, remove, and plant trees in Poplar Lawn Park as well as provide educational opportunities throughout the effort through the Department of Forestry. This grant has been awarded to VSU and the contract has been signed. The plan is to utilize these funds during this planting season (by the end of March/early April).

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **A Resolution for City Council to Accept a Donation for Investigation and Implementation of a Pilot Tree Planting Project on E Washington Street Through a Grant Received by the Crater Planning District Commission - Pages 212-213**

PURPOSE: To accept the donation of services and implementation of a tree pilot project on E Washington Street through a \$335,000 grant received by Crater Planning District Commission.

REASON: To accept the utilization of \$335,000 of grant funds received by Crater Planning District Commission to support base mapping, investigation, and implementation of a tree planting pilot on E Washington Street, one of the gateways into the city.

RECOMMENDATION: Approval

BACKGROUND: Back in June 2024, Planning, Public Works, the Green Infrastructure Center, Timmons, and Crater Planning District Commission partnered with Council Member Jones to investigate the opportunities for planting along E Washington Street. Though the corridor has significant utilities and infrastructure such as being adjacent to a railroad line, these partners worked together to identify a cost for this effort and pursue funding for implementation. In partnership with Crater Planning, \$335,000 was awarded for this corridor, which will be utilized to conduct base mapping and implement a pilot project along the corridor. George Mason University has offered, at no cost, to further assist us with community engagement throughout this process. Implementation must be done by the end of 2025.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 21, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Resolution of City Council to Provide a 20 Percent Match from Non-State or Federal Funds for a Department of Rail and Public Transportation Grant for the Demonstration Project Assistance Program to Create a Trolley Route to Healthy Food and Green Spaces to Include the Petersburg National Battlefield - Pages 214-216**

PURPOSE: To get Council support for a 20 percent match for a demonstration project to use two City trollies to run a bus route providing access to healthy food and spaces for one year. The intention is to show the value of this route and look into permanent funding in the future.

REASON: Petersburg is submitting a Department of Rail and Public Transportation Grant through the Demonstration Project Assistance Program to launch a new transit route that will utilize two of three of Petersburg's existing trollies to serve those with lack of access to a vehicle access to healthy food and green spaces. This grant requires a 20 percent match, should it be awarded. That match would be \$141,740 for the year of the program. The program cost is estimated at \$708,700. The purpose of this grant is to take another step to improve the health of residents of Petersburg by making access to healthy food and green spaces easier and more frequent.

RECOMMENDATION: Approval

BACKGROUND: Petersburg staff has been working with the University of Virginia Institute for Engagement and Negotiation for just over a year and a half to enhance Petersburg's resiliency. This partnership has led to connections and partnerships such as that with the Green Infrastructure Center. Further, the partnership led to community engagement and GIS analysis of the interest, feasibility, and cost of a trolley route that runs every 30 minutes to get community members in need to healthy food and spaces.

Community engagement was conducted from August - September 2024 both online via a survey and in-person at locations such as Food Lion, the YMCA, and Petersburg Public Library. In total, 302 responses were received focusing on interest in using the trolley, should it exist, where people live that responded, and where they'd like the trolley to go. 57 percent of participants stated that they sometimes or always have difficulty getting to healthy food. The majority of respondents stated that they'd use a free trolley to healthy food.

Based on the data collected, UVA students proposed seven separate projects and costs to create a route that

serves the purpose of getting people to food and greenspace. This program will pilot one of those routes for a year.

COST TO CITY: \$141,740

BUDGETED ITEM: No

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. A RESOLUTION FROM THE PETERSBURG CITY COUNCIL TO AUTHORIZE A 20 PERCENT MATCH FOR THE FUNDING OF A DEMONSTRATION BUS LINE

A RESOLUTION FROM THE PETERSBURG CITY COUNCIL TO AUTHORIZE A 20 PERCENT MATCH FOR THE FUNDING OF A DEMONSTRATION BUS LINE TO HEALTHY FOOD AND GREENSPACE THROUGH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION GRANT PROGRAM

WHEREAS, the City of Petersburg City Council recognizes the importance of providing reliable and equitable public transportation to ensure access to healthy food options and greenspaces for all community members; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) offers funding through its Demonstration Project Assistance Program to support innovative and essential transportation services; and

WHEREAS, City Council has identified a critical need for enhanced bus service to serve communities with limited or no access to private vehicles, prioritizing those most in need; and

WHEREAS, the proposed bus line will utilize existing bus infrastructure and increase service frequency to effectively connect residents to essential resources, thereby addressing key transportation and equity gaps in the community; and

WHEREAS, the total cost of operating the proposed bus line for one year is estimated at \$708,700, of which a 20 percent match amounting to \$141,740 is required to secure the grant funding; and

WHEREAS, the required match will be provided by from local funds, demonstrating City Council's commitment to the success of this project; and

WHEREAS, community engagement and input were used to shape the bus route, ensuring that it reflects the needs and priorities of the residents it is designed to serve; and

WHEREAS, this proposed route is designed to enhance access to healthy food options, greenspaces, the Petersburg National Battlefield and other essential destinations while reducing barriers to mobility for vulnerable populations; and

WHEREAS, this resolution demonstrates support from the City of Petersburg City Council for this important initiative;

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Petersburg that:

City Council commits to providing the required 20 percent match of \$141,740 as part of the funding application to the Department of Rail and Public Transportation Demonstration Project Assistance Program in the upcoming fiscal year should the grant be awarded.