

**CITY OF RADFORD  
CODE OF ORDINANCES**

CHAPTER 120.1 - ZONING  
ORDINANCE  
MAY 14, 2007

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## **ARTICLE I. GENERAL PROVISIONS**

## **DIVISION 1. TITLE, AUTHORITY, PURPOSE AND EFFECTIVE DATE**

### **Sec. 120-1. Title.**

This chapter shall be known and may be cited as “The Zoning Ordinance of the City of Radford Virginia” or simply as the “Zoning Ordinance.”

### **Sec. 120-2. Authority.**

This chapter is established pursuant to the provisions of Article 7 of Title 15.2 2280-2316 of the Code of Virginia, 1950, as amended, and is intended to classify the incorporated territory of the City of Radford, Virginia into zoning districts to carry out the purposes of the article.

### **Sec. 120-3. Purposes and considerations.**

- (1) *General purposes.* This chapter is for the general purpose of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of Section 15.2-2283 of the Code of Virginia, 1950, as amended. To these ends, this chapter is designed to give reasonable consideration to each of the following purposes, where applicable:
- a. To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers;
  - b. To reduce or prevent congestion in the public streets;
  - c. To facilitate the creation of a convenient, attractive and harmonious community;
  - d. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
  - e. To protect against destruction of or encroachment upon historic areas;
  - f. To protect against one or more of the following; overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers;
  - g. To encourage economic development activities that provide desirable employment and enlarge the tax base;

- h. To provide for the preservation of agricultural and forestall lands and other lands of significance for the protection of the natural environment;
  - i. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
  - j. To promote, the creation and preservation of affordable housing, suitable for meeting the current and future needs of the City as well as a reasonable proportion of the current and future needs of the planning district within which the city is situated;
  - k. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and
  - l. To protect surface water and groundwater.
- (2) *Considerations in establishing chapter.* Pursuant to the requirements of Section 15.2-2284 of the Code of Virginia, 1950, as amended, the regulations contained in this chapter and the districts established herein have been drawn and applied in consideration for the existing use and character of property, the comprehensive plan of the city, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the city as to land for various purposes as determined by population and economic studies and other studies carried out through the comprehensive plan, the transportation requirements of the city, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of floodplains, the preservation of agricultural and forestall land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the city.

**Sec. 120-4. Effective date.**

This chapter shall become effective upon adoption.

## **DIVISION 2. INTERPRETATION AND DEFINITIONS**

### **Sec. 120-5. Interpretation.**

- (1) *Provisions are minimum requirements.* In their interpretation and application, the provisions of this chapter shall be construed to be minimum requirements.
- (2) *Conflict with other requirements.* Where a requirement imposed by any provision of this chapter is at variance with any other provision thereof or with the requirements of any other lawfully adopted regulation, the most restrictive requirement, or that, which imposes the higher standard, shall govern.
- (3) *Permitted uses.* Permitted uses listed in the district regulations shall be permitted in the respective districts, provided they comply with all applicable provisions of this chapter. All other uses shall be prohibited.
- (4) *Private covenants and restrictions.* The provisions of this chapter shall not be construed to affect, interfere with, or abrogate any condition, covenant, limitation, or restriction contained in any deed, contract or other private agreement relating to the use of any land or buildings, provided that whenever the provisions of this chapter impose greater restrictions on the use of land or buildings than are imposed by any such condition, covenant, limitation or restriction, the provisions of this chapter shall govern.

### **Sec. 120-6. Definitions.**

- (1) *Applicability.* For the purposes of this chapter, and unless specifically prescribed to the contrary elsewhere in this chapter, certain words and terms shall be interpreted as set forth in this section. Words and terms not defined herein shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context.
- (2) *General rules.* The following general rules of interpretation shall apply throughout this chapter, as they are appropriate to the context.
  - a. The word “person” includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.
  - b. The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
  - c. The word “shall” is mandatory, and the word “may” is permissive.
  - d. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”

- e. The words “building” or “structure” include any part thereof, and the word “building” includes the word “structure.”
  - f. The terms “main” and “principal” are synonymous.
  - g. The word “land” includes the words “water” and “marsh.”
- (3) *Certain words defined.* The following words and terms shall be interpreted as having such meaning as set forth herein, unless a specific meaning to the contrary is indicated elsewhere in this chapter.

*Accessory building* means a building separate from the main building on a lot and used for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located. No such accessory structure shall be used for housekeeping purposed without the granting of a special exception.

*Accessory use* means a use of land or a use of a building for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.

*Administrator, zoning* means the officer appointed by the city manager to administer and enforce the provisions of this chapter.

*Adult bookstore or adult video store* means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

*Adult business.* Any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

*Adult entertainment.* Dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Adult merchandise.* Magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices

or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

*Adult model studio.* A commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

*Adult motel.* A motel, hotel, or similar commercial establishment that: (i) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (ii) offers a sleeping room for rent for a time period less than ten hours; or (iii) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.

*Adult movie theater.* An enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding movies that have been rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America.

*Adult nightclub.* A restaurant, bar, club, or similar establishment that regularly features adult entertainment.

*Adult store.* An establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

*Alley* means a public way affording or intended to afford a secondary means of vehicular access to abutting properties and situated along the side or rear of such properties.

*Alteration* means any change in the floor area, use, adaptability, or external appearance of an existing structure.

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

*Auto service center* means an establishment for the servicing and providing minor repair of motor vehicles within enclosed service bays or stalls, and which may include the

dispensing of motor fuels and related products at retail and the sale of minor automobiles parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, cleaning and polishing materials and similar items. *Auto service center*: shall not include any establishment engaging in general auto or truck repair, body repair or painting, welding, frame straightening, tire recapping or vulcanizing, storage of wrecked vehicles or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials or other major body or mechanical parts. Such facilities may or may not include convenience stores that sell food stuffs and household items.

*Auto service station* means an establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity, and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, cleaning and polishing materials and similar items, and which may include the inspection, servicing or minor repair of motor vehicles in enclosed service bays or stalls. "Auto service station" shall not include any establishment engaging in general auto or truck repair, body repair or painting, welding, storage of wrecked vehicles or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials or other major body or mechanical parts.

*Automobile graveyard* means any area outside of a completely enclosed building used for the storage, keeping, or parking of two or more motor vehicles of any kind, incapable of being operated and not economically practical to make operative.

*Base flood/100- year flood* means a flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring each year, although the flood may occur in any year).

*Base flood elevation (BFE)* means the Federal Emergency Management Agency designated 100-year water surface elevation, plus one foot.

*Bed and breakfast facility* means a facility within an owner-occupied single-family dwelling for the housing of persons other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for three (3) to ten (10) persons, unrelated to the owner or operator, where no cooking or dining facilities are provide in individual rooms, and in which the length of stay is usually less than one (1) week in duration.

*Bedroom* means any livable space within a dwelling unit or lodging unit when such space is furnished principally for sleeping purposes by occupants of the premises or is so designed and arranged as to be readily capable of being separated from other living spaces in the unit and used for sleeping purposes with a minimum area of not less than 70 square feet per inhabitant.

*Board of zoning appeals* means the board of zoning appeals of the City of Radford, the composition, powers and duties of which are set forth in Article X of this chapter.

*Broadcasting or Communication Tower* means any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A Broadcasting or Communication Facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio towers, which are described separately. Also excluded are wireless communication antennas which fit the definition of Utility Services.

*Building* means a combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property.

*Camps* mean any plot of ground which primarily provides recreational opportunities of an outdoor nature on a daily or overnight basis. Included in this use type would be scout camps, religious camps, children's camps, wilderness camps, and similar uses which are not otherwise specifically described in this ordinance.

*Campground* means any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation for tents, expandable camp trailers, travel trailers, converted buses, or trucks, or such other devices as may be developed and marketed for camping; whether privately or publicly owned; and whether used of such accommodations is granted free of charge or for compensation.

*Campsite* means a designated plot of ground within a campground intended or used for the exclusive occupancy by a tent, recreational vehicle, or vacation cottage.

*Canopy* means an awning or marquee.

*Child care center* means any facility operated for the purpose of providing care, protection and guidance to a group of more than five children separated from their parents or guardians during a portion of the day, not including children of a family residing on the premises.

*City Council* means the governing body of the City of Radford, Virginia.

*Cluster Development* means a development pattern in which residential, commercial, industrial and institutional uses, or combinations thereof, are grouped together, leaving portions of the land undeveloped. Such development usually involves density transfer where unused allowable densities in one area are permitted in another area. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space.

*Commission*, means The City of Radford Planning Commission.

*Completely enclosed building* means a building enclosed on all sides and having no outside openings other than ordinary doors, windows and means of ventilation.

*Conditional Zoning* means the creation of a new zoning district for property to be used in a particular way as the result of conditions, proffered by the applicant, which limit or qualify how the property may be used. In order for the Planning Commission to accept the proffered conditions, the conditions proffered must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the City.

*Deck* means a structure, without a roof, directly adjacent to a principal building, which has an average elevation of 30 inches or greater from finished grade.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. The term “development” includes construction, reconstruction, alteration, restoration, and demolition of a structure. It also includes the erection of a new sign.

*Development site* means all of the land developed or intended to be developed for single-family attached dwellings and related accessory uses, structures and facilities, when such land is contiguous and under single ownership or control for purposes of planning and initial development. A development site shall include the individual lots on which attached dwellings are or will be located, as well as all open spaces, parking areas, driveways, recreational facilities, community areas and other areas owned or to be owned in common by owners of individual lots within the development.

*Dump Heap (trash pile)* means any area where trash, garbage or other waste or scrap material is dumped or deposited without being covered.

*Dwelling, multifamily* means a building, which contains three or more dwelling units.

*Dwelling, single-family* means a building which is completely separated from any other main building and which contains only one dwelling unit, as distinguished from single-family attached dwellings.

*Dwelling, single-family attached* means a building which contains one dwelling unit located on an individual lot of record and which is attached by means of party walls in a series of two or more buildings, each of which contains one dwelling unit and is located on a separate lot of record. A building meeting the terms of this definition and commonly known as a “townhouse” shall be considered a single-family attached dwelling.

*Dwelling, duplex* means a building that contains two dwelling units.

*Dwelling unit* means a room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended for occupancy by one family and containing cooking, sleeping and sanitary facilities. The term “dwelling unit” shall not include a recreation vehicle or room or group of rooms within a hotel, motel, tourist home, fraternity or sorority house, lodging house or similar lodging facility.

*Easement* means a right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows the use of private property for the installation and maintenance of utility lines and facilities.

*Educational Facilities, College/University* means an educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls, and other physical plant associated with the college or university use.

*Educational Facilities, Primary/Secondary* means a public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

*Family* means one or more persons related by blood, marriage or adoption, including foster children, or not more than five unrelated person occupying a single dwelling unit, except as otherwise provided herein. Domestic servants or employees residing on the premises shall be considered as part of a family. The term “family” shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home or lodging house, but shall include the occupants of a group home as defined in this article.

*Family Day Care Home* means a single-family dwelling in which more than five but less than 13 individuals are received for care, protection and guidance during only part of a twenty-four hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted toward this total. The care of five (5) or fewer individuals for portions of a day shall be considered as a home occupation.

*Fence* means permanent or temporary architectural structure of any material that encircles any or all of lot. Temporary fencing shall be removed when the purpose has been satisfied or within 6 months.

*Floating Zoning* means a district classification which is not “anchored” to a particular area on the initial zoning map but which is available through rezoning to any parcel of property with the following qualification: The plans for the parcel must meet both the ordinance requirements and those other requirements of the City Council which ensure that the classification is compatible with the surrounding properties and districts.

*Flood* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The unusual and rapid accumulation or runoff of surface waters from any source;
  - b. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (1)b. or this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in (1)a. of this definition.

*Flood-prone area* means any land area susceptible to being inundated by water from any source.

*Floodplain* means:

- (1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;
  
- (2) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

*Floodway* means the designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

*Floor area* means the sum of the horizontal areas of all usable floors of a building as measured from the exterior faces of exterior walls and including all intervening walls, partitions, hallways, corridors, lobbies, and stairways. Floor area shall not include unenclosed porches, balconies, carports, garages, or any basement or attic areas which are not improved and available for occupancy.

*Fraternity or sorority* means a male or female student society or non-student group organized for social and other purposes, commonly but not necessarily composed of affiliated branches or chapters in various institutions of learning or other locations, and frequently designated by letter(s) of the Greek alphabet.

*Frontage* means that portion of a lot abutting a street and being situated between the lot lines intersecting the street; also referred to as “street frontage.”

*Funeral Home* means establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes, mortuaries, or crematories.

*Garage, private* means an accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

*Garage, public* means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor vehicles.

*Garage Apartment* means a dwelling unit constructed in or above an existing private garage.

*Gardening* means any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.

*Golf Driving Range* means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee area.

*Greek Organization Sign* is defined as any sign, flag, banner or other object used to identify a Greek organization (fraternity, sorority, or club)

*Group home* means a residential facility in which not more than eight mentally ill, mentally retarded, or other developmentally disabled persons reside, with one or more resident counselors or other staff persons, the purpose of such facility being to provide to its occupants the benefits of normal residential surroundings to achieve optimal assimilation into the community. The term “group home” shall include family care homes or foster homes and any other residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority under state law, but shall not include residential treatment centers or other facilities, the principal purpose of which is to provide emergency shelter or to provide diagnostic or treatment services for persons currently suffering illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia.

*Guest House* means 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, and not rented or otherwise used as a separate dwelling unless permitted by the terms of this ordinance.

*Guest Room* means a room that is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but to which no provision is made for cooking or meals. Dormitories are excluded from this definition.

*Hazardous Material* means any chemical substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous materials include: explosives, gasses (compressed, liquefied, or dissolved), flammable and combustible liquids, flammable solids or substances, oxidizing substances, poisonous and infectious substances, radioactive materials, and corrosives.

*Health/Fitness Club* means a building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts. Utilization of such facilities usually requires membership in the club.

*Health official* means the official designated to enforce the requirements of the state department of health.

*Height* means the vertical distance measured from the average of the lowest and highest elevations of the finished grades immediately adjacent to a building to the highest point of a flat roof, mansard roof, or parapet, or to the midpoint of a gable, hip, or shed roof, or to the highest point of any structure having no roof.

*Historic structure* means any structure that is:

- (1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determination by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Virginia Landmarks Register; or
- (4) Individually listed on a local inventory of historic places in conjunction with a historic preservation program that has been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior.

*Home for Adults* means any facility other than a Nursing Home, providing part-time or full-time care to three (3) or more aged, infirmed or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

*Home occupation* means an occupation, profession, enterprise or similar activity conducted within a dwelling unit which is the residence of the practitioner, or conducted within an accessory building located on the same lot and clearly incidental to such dwelling unit. In order to qualify as a home occupation, an activity described herein must be clearly secondary to the principal dwelling use of the premises and must meet all of the following criteria, which are intended to distinguish such activity from other business uses:

- (1) Not more than 25 percent of the floor area of the main building shall be devoted to such activity, and in no case more that a total 400 square feet on any premises;
- (2) No one other than a member of the family residing on the premises shall be employed on the premises in the conduct of the activity;
- (3) There shall be no signs, other than one non-illuminated sign not exceeding two square feet in area attached to the building, and no displays or alterations to the exterior of the building that would distinguish it as being devoted to any non-dwelling use;
- (4) There shall be no group instruction or assembly, no housing of persons for compensation, no repair of vehicles and no product offered for sale or stored other than that which is incidental to a service rendered directly by a person on the premises; and;
- (5) No mechanical equipment or machinery shall be used in the conduct of the activity that produces noise, smoke, odor, vibration or other effect discernable beyond the property lines.

*Hospital* means a facility in which the primary function is the provision of diagnostic, treatment, medical and nursing services, surgical or non-surgical, for two or more non-related individuals, and which provides inpatient beds, but not including a facility exclusively or primarily for the care and treatment of psychiatric patients or persons suffering from substance abuse.

*Hotel* means a building or group of buildings on the same lot containing lodging units for transient guests principally on a daily basis, for which housekeeping services are provided, and in which each unit has a separate entrance through a common lobby. The term "hotel" is intended to apply to inns, lodges and similar facilities, except when such conform to the definition of motel or tourist home as set forth in this article.

*Itinerant Vendor* means any person who engages in, does, or transacts any temporary or transient business in the City and who, for the purpose of carrying on such business, occupies any location for a period of less than 45 days.

*Junkyard* means an outdoor area used for the depositing, keeping, storing, buying or selling of discarded materials no longer usable in their present form, including but not necessarily limited to: scrap metals, building materials, machinery, household appliances, plumbing supplies, furnishings, fixtures, or motor vehicles or parts thereof. The term “junkyard” shall include an automobile graveyard as defined in this article, but shall not include garbage dumps, landfills as defined under the solid waste management regulations promulgated by the Virginia Waste Management Board, or similar uses.

*Kennel* means any lot, structure or enclosure used for the keeping, boarding, raising or breeding of dogs, cats or similar domestic household animals for commercial or noncommercial purposes, and involving four or more such animals of the same species over the age of six (6) months. A noncommercial facility housing a few number of such animals as household pets on the same lot as a dwelling use shall not be construed to be a kennel, but shall be considered an accessory use or structure.

*Landscaping* means the planting and maintenance of trees, shrubs, lawns and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures or other art objects and similar accessory features may be included as landscaping if integrally designed..

*Landfill* means a sanitary landfill or an industrial waste landfill or a construction, demolition or debris landfill, and defined under the solid waste management regulations promulgated by the Virginia Waste Management Board, and which in no event shall accept or be used for the disposal of any hazardous or infectious wastes, materials or substances as defined under said regulations.

*Live entertainment.* Entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.

*Lodging unit* means a room or group of rooms within a building, constituting living quarters for one or more persons, and not containing cooking facilities. A room or group of rooms within a hotel, motel, or tourist home constituting living quarters for transient guests shall be considered a lodging unit even though it may contain partial or complete kitchen facilities.

*Lot* means a parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.

*Lot, corner* means a lot abutting upon two or more streets at their intersection, or a lot bounded entirely by streets.

*Lot line* means any boundary of a lot, including a boundary which constitutes a street right-of-way line.

*Lot of record* means a lot which is part of a subdivision recorded in the office of the clerk of the circuit court, or a lot or parcel which is described by metes and bounds and is similarly recorded.

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

*Lot width* means the horizontal distance between the side lines of a lot measured between the points where the minimum required setback line intersects the side lines of the lot. On a corner lot or through lot on which more than one front yard is required, the lot width shall be measured adjacent to the frontage with the least dimension.

*Main building* means a building in which is conducted the principal or main use of the property on which the building is located.

*Manufactured home* means any structure complying with the federal Manufactured Housing Construction and Safety Standards, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure (Section 36-85.11 of the Code of Virginia as amended). Such structure as defined herein (including any structure originally built as a mobile/manufactured home as defined herein, regardless of whether plumbing or electrical facilities have been removed) may be used only as a single family residence, and may not be used as a storage building, accessory structure or for any other purpose except a mobile/manufacture office building.

*Manufactured home park* means a lot or parcel on which are located, or which is arranged or equipped for the accommodation of, ten or more manufactured homes for dwelling use with spaces for such available for rent or lease for periods of not less than six months, and including such open spaces and other facilities as may be provided for the use of or service to residents of manufactured homes located on such lot or parcel.

*Manufactured home space* means an area within a manufactured home park devoted to the site of an individual manufactured home and set aside for the private use of residents of such manufactured home, shown on a plat or site plan of the manufactured home park, and which includes such yard, open spaces and other contiguous areas necessary to support such individual manufactured home, as distinguished from common areas, peripheral buffers, roadways and other facilities of the manufactured home park.

*Manufactured home subdivision* means a subdivision as defined and regulated by Chapter 18 of the City Code (the “subdivision ordinance”) and which is devoted exclusively to

lots for accommodation of manufactured homes and such other uses as permitted by the provisions of the R-MH District set forth in Article II of this chapter.

*Mini-warehouse* means a building designed to provide rental storage space in cubicles where each cubical has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

*Motel* means a building or group of buildings on the same lot containing lodging units for transient guests principally on a daily basis, for which housekeeping services are provided, and in which each lodging unit has a separate entrance from the outside as opposed to through a common lobby. The term “motel” is intended to apply to motor inns, motor lodges, motor courts, tourist courts and similar facilities, except when such conform to the definition of hotel or tourist home set forth in this article.

*Multi-establishment Building* means a structure containing more than one establishment.

*New construction* means for the purposes of determining flood insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, including any subsequent improvements to such structures. For floodplain management purposes, “new construction,” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the city, and includes any subsequent improvements to such structures.

*Nonconforming building* means a building having one or more nonconforming features.

*Nonconforming feature* means a feature of a use, as distinguished from the use itself, or a feature of a building, which feature was lawfully existing at the effective date of this chapter or subsequent amendment thereto, and does not conform with the requirements established by this chapter or any amendment thereto. Features of uses or buildings shall be construed to include density, lot area, lot dimensions, yards, open spaces, height, bulk, number of occupants, screening, landscaping, lighting and off-street parking requirements. A building having any such nonconforming feature may be referred to as a nonconforming building.

*Nonconforming lot* means a lot, the area, dimensions or location of which were lawful at the time the lot was created, but which fail to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

*Nonconforming sign* means a sign which was lawfully existing at the effective date of this chapter or subsequent amendment thereto, which sign does not conform with the area, height, location, placement, type, number, or other regulation pertaining to signs established by this chapter or any amendment thereto.

*Nonconforming use* means a principal or accessory use of land or of a building, which use was lawfully existing at the effective date of this chapter or subsequent amendment thereto and is not a permitted use under the provisions of this chapter or any amendment there.

*Nursing home* means any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals. A nursing home shall include facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries, except for such exclusions as may be provided under applicable state law.

*Off-street parking space* means an area for the parking of one motor vehicle located other than within a public street or public alley right-of-way and having such dimensions as set forth in Article IV of this chapter, and having a permanent means of access to a public street or a public alley without requiring passage through another parking space.

*Parking Area* means a parcel of land or a portion thereof used for the parking of motor vehicles, and including off-street parking spaces as defined herein as well as the access aisles and maneuvering space directly serving such off-street parking spaces.

*Planned Unit Development (PUD)* means a form of development characterized by a large tract of land that is developed under a comprehensive site plan. A PUD usually includes a variety of housing types and densities, common open space, and a mix of building types and land uses. PUD permits the planning of a project and the calculation of densities for the entire development, rather than on an individual lot-by-lot basis.

*Planning Commission* means the planning commission of the City of Radford.

*Principal use* means the main or primary use of a lot or a building.

*Public sewer or water system* means a sewer or water system owned and operated by the City of Radford or by such other authority as may be authorized by the laws of the Commonwealth of Virginia, when such facility is approved by the city council.

*Public Services or Storage Buildings* means governmental facilities necessary for public health, safety, and welfare.

*Public Utilities* means public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.

*Recreational vehicle* means a vehicle built on a single chassis intended to be towed or self-propelled or attached to the chassis of another vehicle, and designed or used for

recreational, travel or sporting purposes or for temporary living quarters in conjunction with such purposes. The term “recreational vehicle” shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor homes, converted trucks and buses, boats and other related uses.

*Recreational vehicle park* means a lot or parcel on which are located, or which is arranged or equipped for the accommodation of two or more recreational vehicles of the general public as temporary living quarters for recreation, travel or vacation purposes, with spaces for such available for rent on a transient basis only, and including such facilities as may be provided for the use of or service to occupants of recreational vehicles located on such lot or parcel.

*Restaurant* means any building or associated outdoor area in which, for compensation, food or beverages are dispensed for consumption on the premises or for take-out purposes, including cafes, tearooms, confectionery shops, refreshment stands and similar establishments.

*Retail stores and shops* means buildings wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. For purposes of illustration, the term “retail stores and shops” shall include the following: drug stores; newsstands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware, home furnishings and household appliance and electronic stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; tailor shop, beauty and barber shops, and music and radio stores. Establishments for the sale in bulk of coal, wood, fuel, building materials and lumber, and establishments for the sale of vehicles, farm implements, boats, trailers, machinery and similar items shall not be considered retail stores and shops.

*Right-of-Way* means the land upon which a street, road, highway, transportation route or public utility is located and land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.

*Right-of-Way Line* means the dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

*Setback* means the minimum distance from which any building structure must be separated from the front lot line.

*Setback Line* means a line generally parallel with and measured from the front lot line, defining the limits of a yard in which no building or structure may be located.

*Shopping center* means a group of three or more commercial establishments on a site of one acre or more planned, developed, owned and managed as a unit and related in its

location, size and types of establishments to the trade area which such unit is intended to serve, and which is provided with off-street parking on the premises.

*Sign* means any structure or device or part represented on a building or structure, or included any letter, work, banner, decoration, device or representation used as, or which is in the nature of, any announcement, direction, advertisement directing service, excluding soft drink, snack and ice machines. A “sign” designed to be seen from two (2) opposite directions shall be considered as one (1) sign, provided that the two (2) sign faces shall not be more than forty-two (42) inches apart, if parallel, or form an angle of more than sixty degrees (60°) in angular sequence. Provided that the following shall not be considered signs for the purposes of this chapter:

- (1) The flag, emblem or insignia of a nation or other governmental unit, or a decorative flag or banner, except when displayed in connection with a commercial promotion or as part of a presentation otherwise considered a sign;
- (2) Legal notices, identification, informational or directional presentations erected or required to be erected by a governmental body;
- (3) Presentations not exceeding one square foot in area identifying property numbers, addresses or occupants of premises.

*Sign, Advertising* - A sign, including a billboard, which directs attention to a business, commodity, activity, service or product not conducted, sold or offered upon the premises where it is located.

*Sign, Billboard* - An off-premises sign which directs attention to the approximate location or advertisement of a business.

*Sign, Bulletin Board* - Any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution for the purpose of announcing events which are held on the premises.

*Sign, Business* - A sign which directs attention to a business, profession, commodity, service, activity or entertainment sold or offered upon the premises where such sign is located or to which it is attached. Such a sign may contain a commercial or noncommercial message.

*Sign, Directional* - A sign directing traffic on private property but bearing no advertising matter.

*Sign, Freestanding* - A sign erected which is wholly independent of any building for support. All such signs must be permanently affixed to or constructed upon the lot where they are located.

*Sign, Greek Organization* is any sign, flag, banner or other object used to identify a Greek organization (fraternity, sorority, or club).

*Sign, Home Occupation* - A sign permitted in association within an occupation conducted on the premises within a dwelling unit occupied by the operator of the business.

*Sign, Identification* - A permanent on-premises sign announcing the name of a subdivision, group housing project, church, school, park, shopping center, industrial park, public area or similar type use.

*Sign, Location* - an off-premise sign which directs attention to the approximate location of a church, school or other nonprofit institution. "Location signs" may be freestanding and may be located within the public right-of-way, provided that written permission is obtained from the Administrator. Only one (1) "location" sign per establishment is permitted.

*Sign, Nonconforming* - A sign existing before the effective date of the amendment of this chapter, which could not be built under the terms of this chapter.

*Sign, Political.* A political sign shall be permitted up to a total sign area of eight (6) square feet for each premises in a residential district and thirty-two (32) square feet in a commercial or industrial district (except the Central Business District). These signs shall be confined within private property and shall not encroach into the public right-of-way. These signs may be displayed sixty (60) days prior to and seven (7) days after the election for which intended. In cases 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 seven (7) days after the final election.

*Sign, Portable* - A sign mounted on wheels or runners that is not designed for permanent use and can be moved easily by the release of nails, bolts, clamps, etc.

*Sign, Projected* - A sign which is attached perpendicular to a building wall, roof, facade, canopy, marquee or porch by means of brackets, hooks or chains and the like, and which may extend out or down no more than eighteen (18) inches.

*Sign, Public Service* - A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event, when conducted by or for the benefit of any civic, religious, educational or charitable cause, provided that the sign shall be displayed no longer than fourteen (14) days per calendar year.

*Sign, Real Estate* - A sign displayed for the purpose of offering for sale, lease or rent the property on which any such sign is displayed.

*Sign, Roof* - Any sign which is erected, constructed, placed or maintained on or above the roof of any building.

*Sign, Street Graphics* - A form of art, such as but not limited to murals and sculptures, that shall not constitute any type of outdoor advertising of a commercial message.

*Sign, Temporary* - An attached on-premises sign applying to a seasonal or brief activity, such as but not limited to summer camps, horse shows, sales, promotions and auctions.

*Special use* means a use permitted in a particular district only upon approval of a special use permit by the city council in accordance with the provisions of Article IX of this chapter.

*Specified anatomical areas* means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparations, such as clearing, grading, and filling, nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure as determined by the Building Official. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

*Street* means the right-of-way within which lies a public or private thoroughfare which affords or is intended for the purpose of affording the principal means of vehicular access to abutting property.

*Street line* means the right-of-way line of a street.

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

*Structure* means any assembly of materials forming a construction for use, including stadiums, gospel and circus tents, reviewing stands, platforms, stages, observation towers, radio towers, water tanks, trestles, piers, wharfs, swimming pools, amusement devices, storage bins and other structures of this general nature.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 80 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 80 percent of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the city’s code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

*Temporary fencing* means fencing designated for particular uses for limited time. Construction fencing is allowed during the construction on a lot but not to be considered permanent fencing. This type of fencing must be removed within two (2) months of construction completion. Fencing for protection against blowing snow (snow fencing) is allowed from November 1 until March 31 of the immediately following year (no more than 4 ½ months) but is not considered permanent.

*Tourist home* means a building containing not more than ten lodging units, with or without board, and where such lodging units are available for occupancy by transient guest on a daily basis, and in which access to each lodging unit is provided from within the building. A tourist home may include a dwelling unit which constitutes the residence of the owner or manager of the facility.

*University related housing* means housing facilities, including dormitories and similar facilities which meet the criteria specified in the UD University District set forth in Article II of this chapter, and which are occupied by fraternities, sororities, or other organizations or by any other group of students whether organized or not organized, when such organizations or group of students occupying such housing facilities are affiliated with and/or sanctioned and recognized by the administration of Radford University.

*Usable open space* means the area of a lot, or the area within a lot, which is not covered by buildings and is not devoted to parking areas, driveways or other vehicular

maneuvering area. Usable open space may include yard areas, as well as other outdoor space available for active or passive use by occupants of the premises, provided that for any area to qualify as usable open space under the requirements of this chapter, the dimensions of such are shall not be less than 15 feet in length and width and shall not have a grade higher than 15%.

*Variance* means a departure from the strict application of the provisions of this chapter when authorized by the board of zoning appeals pursuant to and in accordance with the provisions of Section 15.2-2201 of the Code of Virginia, 1950, as amended, and the applicable provisions of Article X of this chapter. It shall not include a change in use, which change shall be accomplished by a rezoning or a conditional rezoning.

*Vegetative Buffer* means perennial vegetation established or left undisturbed; such as vegetation adjacent to the shoreline of a watercourse intended to filter out sediment and other non-point source pollutants from runoff before it reaches a watercourse, or serving as a buffer between uses or properties.

*Vegetative Screen* means densely planted vegetation that is intended to substantially, but not necessarily totally obscure visual impacts between adjoining uses. Vegetative screens must be installed at ten (10) foot intervals in a double row with alternating centers. Vegetation must be six (6) feet tall at time of installation.

*Virginia Landmarks Register* means the official list, maintained by the Department of Historic Resources, of historic resources considered by the board of Historic Resources to be worthy of historic preservation.

*Wayside Stand* means an establishment for the seasonal retail sale of agricultural goods and merchandise primarily produced by the operator on the site, or on a nearby property. Agricultural goods produced on other properties owned or leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the wayside stand. This use type shall include agricultural products picked by the consumer.

*Wetlands* means all lands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the US Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, in 33 CFR 328.3b, dated November 13, 1986.

*Woodlands* means tree stands, lines of trees, and lands in active forestry use.

*Yard* means an open space on a lot, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the ground level upward, except as otherwise provided in Article III of this chapter.

*Yard, rear* means yard adjacent and parallel to the rear lot line of a lot and extending between the minimum required side yards on the lot.

*Yard, side* means a yard adjacent and parallel to the side lot line of a lot and extending from the minimum required front yard to the rear lot line. On irregular shaped lots, any yard adjacent to a lot line to which the yard definitions of this article do not clearly apply shall be considered a side yard.

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

*Zoning administrator* means the officer appointed by the city manager to administer and enforce the provisions of this chapter.

## **DIVISION 3. ZONING DISTRICTS AND ZONING DISTRICT MAP**

### **Sec. 120-7. Establishment of Zoning Districts.**

In order to carry out the purposes of this chapter and to further the objectives of the comprehensive plan of the city, the following zoning districts are hereby established:

CD	Conservation District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Multifamily Residential District
UD	University Residential / Business District
MU	Mixed Use Residential / Business District
R-MH	Manufactured Home Residential District
B-1	Limited Business District
B-2	General Business District
B-3	Central Business District
MD	Medical Arts District
M-1	Restricted Industrial/Commercial District
M-2	General Industrial/Commercial District
FP-1	Floodway District
FP-2	Flood-Fringe District
RFO	Riverfront Corridor Overlay District
PUD	Planned Unit Development District
CHO	Cluster Housing Overlay

### **Sec. 120-8 Establishment of Zoning District Map.**

The locations and the boundaries of the zoning districts established by this chapter, other than the floodplain districts, shall be shown on a map designated as “Zoning District Map of the City of Radford, Virginia” which, together with all notations and explanatory matter shown thereon, is hereby made a part of this chapter. The locations and the boundaries of the floodplain districts established by this chapter shall be shown as set forth in Division 15 of Article II of this chapter.

### **Sec. 120-9. Maintenance of Zoning District Map.**

The zoning district map shall be dated, endorsed with the signature of the city clerk and maintained for public view in the office of the zoning administrator. The zoning district map shall not be removed from the office of the zoning administrator except by court order or for such official purposes as may be deemed necessary by the zoning administrator or the city clerk. Up to date copies of the zoning district map endorsed by the city clerk shall be maintained in the offices of the city clerk and the clerk of the circuit court, which copies shall be known as official copies.

### **Sec. 120-10. Changes on Zoning District Map.**

It shall be unlawful for any person to make changes on the zoning district map except by authorization of the zoning administrator in accordance with the provisions of this article.

### **Sec. 120-11. Copies of Zoning District Map.**

The zoning administrator shall cause copies of the zoning district map to be made in such numbers, in such form and for such purposes as deemed appropriate by the city council. In the case of any discrepancy between the Official Zoning District Map endorsed by the city clerk and any copies thereof, the Official Zoning District Map shall be the final authority as to the current zoning classification of property.

### **Sec. 120-12. Interpretation of District Boundaries.**

Whenever uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning district map, the following rules shall apply.

- (1) Where a discrepancy exists between a district boundary shown on the zoning district map and that which is described in the text of the ordinance establishing such boundary, the text of the ordinance shall govern.
- (2) Where district boundaries are shown with specific dimensions, such dimensions shall govern.
- (3) Where district boundaries appear to follow street, alley, property or corporations lines, or appear to follow the centerlines of streets, alleys, or water courses, such boundaries shall be construed as following such lines. The location of any street, alley, property line, corporation line, or water course used as a district boundary shall be the location in existence at the time of adoption of the ordinance establishing the boundary.
- (4) Where district boundaries appear parallel to, perpendicular to, or as extensions of centerlines, property lines or other features, they shall be construed.
- (5) Where district boundaries are not described in any ordinance and do not appear to follow centerlines, street lines, property lines or features, the location of such district bounds shall be determined by measurement on the zoning district map in accordance with the scale shown thereon.
- (6) In any case where none of the foregoing rules establish the location of a district boundary, or where subsequent dispute or uncertainty exists, location of such district boundary shall be determined by the board of zoning appeals accordance with the provisions of Article X of this chapter.

**Sec. 120-13. Amendment of Zoning District Map.**

Whenever an amendment is made to the zoning district map by ordinance adopted by the city council, the city clerk shall notify the zoning administrator who shall see that the amendment is properly recorded on the official zoning map and all official copies thereof, together with such notation or reference as is necessary to identify the action by which amendment was made and the date thereof. Each amendment shall be recorded as soon as practicable after the effective date of the amendment. The failure to record any amendment on the official zoning district map or official copies thereof, or any error in recording or depicting an amendment thereon, shall not affect the validity of the ordinance providing for the amendment.

**Sec. 120-14. Vacation of Street, Alley or Other Public Way.**

Whenever any street, alley or other public way is vacated by official action of the city council, the zoning districts adjoining each side of such street, alley or other public way shall automatically be extended to the center of vacation, and the area included in the vacation shall be subject to all applicable regulations of the extended districts. For the purposes of this Zoning Ordinance, when two different zoning districts meet, they shall meet in the centerline of the street / right-of-way, where applicable.

**Sec. 120-15. Unclassified Areas: Additions to Jurisdiction.**

Areas unclassified by the zoning district map and areas newly added to the jurisdiction of the City by annexation or other means shall be construed as being temporarily with the CD Conservation District until otherwise designated by action of the city council in accordance with the provisions of Article XI of this chapter.

## **DIVISION 4. COMPLIANCE WITH CHAPTER AND TRANSITION PROVISIONS**

### **Sec. 120-16. Compliance with provisions of this chapter.**

- (1) *Compliance required.* Subject to the provisions of section 120-17 of this article, no building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, expanded, converted to another use or structurally altered except in conformity with all of the regulations specified for the district in which such building, structure or land is located and with all other applicable provisions of this chapter.
- (2) *Reduction from requirements not permitted.* No lot area, yard, open space, parking space, or other feature required by the provisions of this chapter shall be reduced or eliminated except in conformity with the regulations established herein. Any such reduction resulting from a taking for public purpose by a governmental authority shall not be considered to be a violation of the provisions of this chapter. Any property so affected by such taking shall be subject to the applicable provisions of Article VI of this chapter pertaining to nonconforming uses and features.
- (3) *Requirements to be met for each building or use.* No part of any lot, yard, open space, parking space, or other feature required for a building or use shall be considered as lot, yard, open space, parking space, or other feature for any other building or use, except as may be specifically permitted by the provisions of this chapter.

### **Sec. 120-17. Transition Provisions.**

- (1) *Existing uses and buildings.* Uses and buildings lawfully existing at the effective date of this chapter or subsequent amendment thereto may be continued subject to the provisions of Article VI of this chapter pertaining to nonconforming uses and features.
- (2) *Permits issued prior to chapter.* Nothing contained in this chapter shall be construed to require any change in the plans, construction or intended use of any building or structure for which a permit was lawfully issued by the city prior to the effective date of this chapter or subsequent amendment thereto, provided that such construction is commenced prior to the expiration of such permit as specified by the provisions of this chapter or other applicable laws. In any case where a permit expires or ceases to be valid, or where construction is abandoned for a period of 12 months or greater, further construction and use shall conform to the applicable provisions of this chapter.

- (3) *Lots recorded prior to chapter.* Any lot of record which was lawfully established prior to the effective date of this chapter or subsequent amendment thereto and which does not conform with the requirements for minimum lot area or lot width applicable in the district in which such lot is situated, may be devoted to single-family dwelling use if such use is normally permitted in the district, provided that all other applicable provisions of this chapter and applicable provisions of other laws are met.

## **DIVISION 5. VIOLATIONS AND PENALTIES**

### **Sec. 120-18. Criminal Penalties for Violation of this Chapter.**

Unless a specific penalty is otherwise provided any violations of the provisions of this chapter, other than violations specified in section 120-19 of this article, shall constitute a misdemeanor of the first class and shall be punishable as provided in Section 18-2.11 of the Code of Virginia, 1950, as amended. Each day such violation continues shall constitute a separate offense.

### **Sec. 120-19. Civil penalties for violation of chapter.**

Pursuant to the provisions of Section 15.2-2209 of the Code of Virginia, 1950, as amended, and in accordance with the procedures specified therein, any violation of the provisions of this chapter listed below shall be subject to a civil penalty of \$100.00 for any one violation. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00. Such civil penalties shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, shall preclude prosecution as a criminal misdemeanor. Violation of any of the following provisions of this chapter shall be subject to such civil penalties:

- (1) Section 120-163: Height limitations for fences and walls in required yards;
- (2) Section 120-168: Visibility at intersections;
- (3) Sections 120-176 and 120-177: Satellite dishes in required yards and outdoor lighting;
- (4) Section 120-205: Home occupation restrictions
- (5) Sections 120-219 through 120-221: Parking in yards adjacent to streets, screening and landscaping adjacent to parking areas and lighting in parking areas;
- (6) Any of the sign requirements contained in Article V;
- (7) Sections 120-251 and 120-254: Requirements for zoning permits;
- (8) Section 120-273: Compliance with approved final site plan;
- (9) Section 120-288: Compliance with approved plans or conditions of a special use permit;  
and
- (10) Any of the screening requirements of this chapter.

## **DIVISION 6. VALIDITY**

### **Sec. 120-20. Severability.**

It is the intent of city council that should any section, subsection, paragraph, phrase, definition or provision of this chapter or any portion of the zoning district map established by this chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

**ARTICLE II: DISTRICT REGULATIONS**

## **DIVISION 1. CD CONSERVATION DISTRICT**

### **Sec. 120-21. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the CD Conservation District is to protect natural resources and environmentally sensitive areas of the City, particularly along the length of the New River and its tributaries. Permitted uses are limited to single-family dwellings on large lots, together with support uses which typically require large site areas and are subject to review and approval to ensure compatibility with structural uses and the natural environment. The district also provides for open space and production uses that enhance the physical resources of the city and provide recreational opportunities for residents.

### **Sec. 120-22 Uses and Structures Permitted by Right.**

The following uses and structure shall be permitted in the CD Conservation District:

- (1) Single-family dwellings, including manufactured houses that are 14 or more feet in width, on a permanent foundation that adhere to the architectural style of the surrounding neighborhood;
- (2) Agricultural uses, including horticulture, general farming, truck gardens, cultivation of field crops, orchards, groves and nurseries for growing trees and other plants and the keeping and raising of livestock, provided that no pen, building or structure for the keeping of livestock shall be located within 100 feet of a side or rear lot line;
- (3) Forestry and tree farming;
- (4) Conservation areas and wildlife preserves;
- (5) Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, including wastewater treatment plants, water treatment plants or electric generating plants;
- (6) Parks, playgrounds and other recreation facilities, libraries, museums and community centers; when such uses are owned or operated by a governmental agency, provided that a site plan approved by the planning commission shall be required

### **Sec. 120-23. Uses and Structures Permitted with a Special Use Permit.**

The following uses and structures shall be allowed in the CD Conservation District with an approved Special Use Permit, as set forth in Article IX of this chapter:

- (1) Parks, playgrounds and other recreation facilities, when such uses are owned and operated by a local not-for-profit agency;

- (2) Golf courses and country clubs, public or private, including accessory sale and serving of food and beverages and sale of golfing supplies and equipment;
- (3) Cemeteries;
- (4) Fire stations and rescue squad facilities;
- (5) Itinerant Vendor;
- (6) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;

**Sec. 120-24. Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, the customary accessory uses and structures are authorized. The following uses are included:

- (1) Home occupations as defined in Article I of this chapter;
- (2) Signs as permitted by the provisions of Article V of this chapter;
- (3) Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
- (4) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work or 12 months, whichever occurs first;
- (5) Parking
- (6) Satellite dish antenna not exceeding 20" in diameter;
- (7) Swimming Pool associated with a private residence in the rear or side yard
- (8) Garden
- (9) Customary Accessory uses and structures.

**Sec. 120-25 Lot Requirements.**

The following lot area and lot width requirements shall be applicable in the CD Conservation District.

- (1) *Single-family dwellings.* Single-family dwellings shall be located on lots of not less than two acres in area and not less than 200 feet in width.
- (2) *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including requirements of the health official for the provision of on-site sewerage disposal or water

supply systems, and such requirements as may be imposed in conjunction with a Special Use Permit or final site plan.

- (3) *Height regulations.* No building or structure shall exceed a height of 35 feet. (See Article III for supplementary height regulations.)

**Sec. 120-26 Required Yards.**

The following yards (setbacks) shall be required in the CD Conservation District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yard on corner lots.)

- (1) *Front yard.* Not less than 35 feet.
- (2) *Side yards.* Not less than 20 feet on each side.
- (3) *Rear yard.* Not less than 50 feet.

## **DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 120-27. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the R-1 Single-Family Residential District is to provide appropriate areas for low density single-family residential development. The district is designed to preserve the character of existing residential areas, to encourage new residential development in accordance with modern subdivision standards, to protect single-family areas from encroachment by potentially incompatible commercial land uses and other higher density development, and to maintain an appropriate density of development. The R-1 District is also intended to accommodate specific nonresidential uses which are necessary to provide for the recreational, educational, cultural and public service needs of a residential community.

### **Sec. 120-28. Uses and Structures Permitted by Right.**

The following uses and structures shall be permitted in the R-1 Single-Family Residential District:

- (1) Single-family dwellings;
- (2) Family Day Care Home, serving one through five children, exclusive of the provider's children and any children who reside in the home as residential occupancy by a single family.
- (3) Group Home, serving eight or fewer residents who may be mentally ill, retarded, or developmentally disabled, with one or more resident counselors or other staff persons.
- (4) Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, but not including wastewater treatment plants, water treatment plants or electric generating plant;

### **Sec. 120-29 Uses and Structures Permitted with a Special Use Permit.**

The following uses and structure shall be allowed in the R-1 Residential District with an approved Special Use Permit, as set forth in Article IX of this chapter:

- (1) Public Schools and private schools having substantially the same academic curriculum as public schools, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter, and that no recreational facilities shall be located closer than 100 feet from a lot containing a residence;
- (2) Parks, playgrounds and other recreation facilities, libraries, museums and community centers; when such uses are owned or operated by a governmental agency or non-profit organization, provided that a site plan approved by the planning commission shall be

required as set forth in Article VIII of this chapter for such uses. No recreational facilities shall be located closer than 100 feet of a lot containing a residence;

- (3) Churches and other places of worship
- (4) Neighborhood recycling drop site, owned and operated by a governmental agency;
- (5) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;

**Sec. 120-30 Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, the customary accessory uses and structures are authorized. The following uses are included;

- (1) Home occupations as defined in Article I of this chapter;
- (2) Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
- (3) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work or 12 months, whichever occurs first;
- (4) Signs as permitted by the provisions of Article V of this chapter;
- (5) Satellite dish antenna not exceeding twenty inches in diameter;
- (6) Swimming Pool associated with a private residence in the rear or side yard
- (7) Garden
- (8) Accessory building

**Sec. 120-31 Lot requirements.**

The following lot area and lot width requirements shall be applicable in the R-1 Single-Family Residential District:

- (1) *Single-family dwellings.* Single-family dwellings shall be located on lots of not less than 10,000 square feet in area and not less than 75 feet in width.
- (2) *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including such requirements as may be imposed in conjunction with an approved site plan.

- (3) *Height regulations.* No building or structure shall exceed a height of 35 feet. (See Article III for supplementary height regulations.)

**Sec. 120-32 Required yards and permitted lot coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the R-1 Single-Family Residential District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

- (1) *Front yard.* Not less than 30 feet.
- (2) *Side yards:*
  - a. *Single family dwellings:* 10% of lot frontage, with a maximum of fifteen (15) feet on each side.
  - b. *Other uses:* Not less than 30 feet.
- (3) *Rear yard:*
  - a. *Single-family dwellings:* Not less than 25 feet.
  - b. *Other uses:* Not less than 50 feet
- (4) *Lot coverage.* Not more than 30 percent of the area of a lot shall be covered by the main building and accessory buildings.

## **DIVISION 3. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 120-33 Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the R-2 Single-family Residential District is to provide appropriate areas for low density single-family residential development. The district differs from the R-1 District principally in its lot size and yard requirements. It is designed to preserve the character of existing residential areas, to encourage new residential development in accordance with modern subdivision standards, to protect single-family areas from encroachment by potentially incompatible commercial land uses or higher density development, and to maintain a low density of development. The R-2 District is also intended to accommodate specific nonresidential uses which are necessary to provide for the recreational, educational, cultural and public service needs of a residential community.

### **Sec. 120-34 Permitted Uses and structures Permitted by Right.**

The following uses and structures shall be permitted in the R-2 Single-Family Residential District:

- (1) Single-family dwellings;
- (2) Family Day Care Home, serving one through five children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family.
- (3) Group Home, serving eight or fewer residents who may be mentally ill, retarded, or developmentally disabled, with one or more resident counselors or other staff persons.
- (4) Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, but not including wastewater treatment plants, water treatment plants or electric generating plant;

### **Sec. 120-35 Uses and Structures Permitted with Special Use Permit.**

The following uses and structure shall be allowed in the R-2 Residential District with an approved Special Use Permit, as set forth in Article IX of this chapter:

- (1) Public Schools and private schools having substantially the same academic curriculum as public schools, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet from a lot containing a residence;
- (2) Parks, playgrounds and other recreation facilities, libraries, museums and community centers; when such uses are owned or operated by a governmental agency or non-profit organization, provided that a site plan approved by the planning commission shall be

required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet of a lot containing a residence;

- (3) Neighborhood recycling drop center, publicly owned and operated
- (4) Churches and other places of worship
- (5) Bed and Breakfast establishments
- (6) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;

**Sec. 120-36 Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

- (1) Home occupations as defined in Article I of this chapter;
- (2) Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
- (3) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- (4) Signs as permitted by the provisions of Article V of this chapter;
- (5) Parking;
- (6) Satellite dish antenna, not exceeding twenty inches in diameter;
- (7) Swimming Pool associated with a private residence in the side or rear yard
- (8) Garden
- (9) Customary Accessory buildings

**Sec. 120-37. Lot requirements.**

The following lot area and lot width requirements shall be applicable in the R-2 Single-Family Residential District:

- (1) *Single-family dwellings.* Single-family dwellings shall be located on lots of not less than 7,500 square feet in area and not less than 60 feet in width.

(2) *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including such requirements as may be imposed in conjunction with a site plan.

(3) *Height regulations.* No building or structure shall exceed a height of 35 feet. (See Article III for supplementary height regulations.)

**Sec. 120-38 Required yards and permitted lot coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the R-2 Single-Family Residential District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

(1) *Front yard.* Not less than 25 feet.

(2) *Side yards:*

- a. Single family dwellings: 10% of lot frontage, with a maximum of ten (10) feet.
- b. *Other uses:* Not less than 20 feet.

(3) *Rear yard:*

- a. *Single-family dwellings:* Not less than 25 feet.
- b. *Other uses:* Not less than 50 feet

(4) *Lot coverage.* Not more than 35 percent of the area of a lot shall be covered by the main building and accessory buildings.

## **DIVISION 4. R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 120-39 Intent of District**

Pursuant to the general purposes of this chapter, the intent of the R-3 Single-family Residential District is to provide appropriate areas for moderate density single-family residential development together with certain other housing types within a suitable residential environment. The district is designed to preserve the character of existing residential areas, to encourage a range of housing opportunities in accordance with modern subdivision and development standards, to protect residential areas from encroachment by potentially incompatible commercial land uses and high density development, and to maintain a density of development that avoids undue burden on utilities and other public services. The R-3 District is also intended to accommodate specific nonresidential uses which are necessary to provide for the recreational, educational, cultural and public service needs of a residential community.

### **Sec. 120-40. Uses and Structures Permitted by Right.**

The following uses and structures shall be permitted in the R-3 Single-Family Residential District:

- (1) Single-family dwellings;
- (2) Family Day Care Home, serving one through five children, exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family;
- (3) Group Home, serving eight or fewer residents who may be mentally ill, retarded, or developmentally disabled, with one or more resident counselors or other staff persons;
- (4) Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, but not including wastewater treatment plants, water treatment plants or electric generating plant.

### **Sec. 120-41 Uses and Structures Permitted with Special Use Permit.**

The following uses and structure shall be allowed in the R-3 Residential District with an approved Special Use Permit, as set forth in Article IX of this chapter:

- (1) Public schools and private schools having substantially the same academic curriculum as public schools, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet from a lot containing a residence;
- (2) Parks, playgrounds and other recreation facilities, libraries, museums and community centers; when such uses are owned or operated by a governmental agency or non-profit

organization, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet of a lot containing a residence;

- (3) Neighborhood recycling drop center, publicly owned and operated
- (4) Churches and other places of worship
- (5) Duplexes
- (6) Bed and Breakfast establishments
- (7) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;

**Sec. 120-42. Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

- (1) Home occupations as defined in Article I of this chapter;
- (2) Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
- (3) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- (4) Signs as permitted by the provisions of Article V of this chapter;
- (5) Parking;
- (6) Satellite dish antenna not exceeding twenty inches in diameter;
- (7) Swimming pool associated with a private residence in side or rear yard;
- (8) Garden; and
- (9) Customary accessory structures.

**Sec. 120-43 Lot requirements.**

The following lot area and lot width requirements shall be applicable in the R-3 Single-Family Residential District:

- (1) *Single-family dwellings.* Single-family dwellings shall be located on lots of not less than 6,000 square feet in area and not less than 50 feet in width;
- (2) *Duplex units.* Duplex units shall be located on lots of not less than 8,000 square feet in area and not less than 80 feet in width.
- (3) *Other uses.* There shall be no minimum required lot area or lot width provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter and such requirements as may be imposed in conjunction with a special use permit.
- (4) *Height regulations.* No building or structure shall exceed a height of 35 feet. (See Article III for supplementary height regulations).

#### **Sec. 120-44 Required Yards and Permitted Lot Coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the R-3 Single-Family Residential District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

- (1) *Front yard.* Not less than 20 feet;
- (2) *Side yards:*
  - a. *Single family dwellings:* 10% of lot frontage, with a minimum of six (6) feet;
  - b. *Duplex dwellings:* Not less than fifteen 15 feet, with an approved Special Use Permit
  - c. *Other uses:* Not less than 15 feet;
- (3) *Rear yard:*
  - a. *Single-family dwellings:* Not less than 20 feet;
  - b. *Other uses:* Not less than 30 feet;
- (4) *Lot coverage.* Not more than 40 percent of the area of a lot shall be covered by the main building and accessory buildings;

## **DIVISION 5. R-4 MULTIFAMILY RESIDENTIAL DISTRICT**

### **Sec. 120-45. Intent of District**

Pursuant to the general purposes of this chapter the R-4 Multifamily Residential District is intended to provide for medium to high density residential developments, a variety of housing types, and incidental service for convenience of residents of large developments. The district is designed to accommodate general purpose multifamily housing, attached dwellings and housing for the elderly, and to encourage owner-occupancy opportunities. The R-4 District is intended to be applied in developing areas of the City where utility and community services are suitable for medium density housing and where such will be compatible with the character of surrounding development.

### **Sec. 120-46. Permitted Uses and Structures.**

The following uses and structures shall be permitted in the R-4 District:

- (1) Single Family Dwellings;
- (2) Family Day Care Home;
- (3) Duplex dwellings;
- (4) Group Home;
- (5) Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, but not including wastewater treatment plants, water treatment plants or electric generating plant;
- (6) Townhouses, in accordance with the Townhouse guidance in this Chapter;
- (7) Multi-Family dwellings, provided that a site plan has been approved by the planning commission;
- (8) Churches and other places of worship

### **Sec. 120-47. Uses and Structures Permitted with a Special Use Permit**

The following uses and structure shall be allowed in the R-4 Residential District with an approved Special Use Permit, as set forth in Article IX of this chapter:

- (1) Public schools and private schools having substantially the same academic curriculum as public schools, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet from a lot containing a residence;

- (2) Parks, playgrounds and other recreation facilities, libraries, museums and community centers; when such uses are owned or operated by a governmental agency or non-profit organization, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet of a lot containing a residence;
- (3) Neighborhood recycling drop center, publicly owned and operated
- (4) Bed and Breakfast establishments
- (5) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;
- (7) Private club, lodge, civic organization, fraternity and/or sorority living quarters and related meeting areas, provided that a site plan has been approved by the planning commission;
- (8) Home for adults;
- (9) Nursing Home;
- (10) Educational facilities;
- (11) Clinic;
- (12) Restaurant;
- (13) Parking facilities;
- (14) Incidental retail and services restricted to developments containing 60 dwelling units and intended primarily to serve residents of the development in which they are located. The intended uses shall be identified in the Site Plan and approved.
  - a. The total area devoted to business uses shall not exceed 70 square feet of floor area per dwelling unit within the development, nor shall any one establishment exceed 1,000 square feet of floor area;
  - b. All business use within a development shall be located within a single building devoted to multifamily use, and there shall be no show windows or other evidence of such business use from the exterior of the building, other than necessary means of ingress and egress and one non-illuminated sign not exceeding two square feet in area attached flat against the building;
  - c. No pick up or delivery service shall be provided by such business, except to occupants of the development within which it is located.

**Sec. 120-48. Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

- (1) Home occupations as defined in Article I of this chapter;
- (2) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;
- (3) Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
- (4) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- (5) Signs as permitted by the provisions of Article V of this chapter;
- (6) Parking;
- (7) Satellite dish antenna not exceeding twenty inches in diameter;
- (8) Swimming pool associated with a private residence in side or rear yard;
- (9) Garden; and
- (10) Customary accessory structures.

**Sec. 120-49. Lot Requirements.**

The following lot area and lot width requirements shall be applicable in the R-4 Multifamily Residential District.

- (1) *Single family dwellings.* Single-family dwellings shall be located on lots not less than 7,500 square feet in area and not less than 60 feet in width;
- (2) *Single family attached dwellings.* Individual lots shall be no less than 1,600 square feet in area, provided that the total number of dwelling units on a development site as defined in Article I of this ordinance shall not exceed ten (10) per acre. Individual lots shall be no less than 16 feet in width, provided that the end lots of each row of attached units shall be no less than 26 feet in width;
- (3) *Multifamily dwellings.* The minimum required lot area of multifamily dwellings shall be 10,000 square feet for up to four units, plus 1,600 square feet per dwelling unit in excess of four units. The minimum lot width shall be 100 feet;

- (4) *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings and multifamily dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including such requirements as may be imposed in conjunction with a special use permit.

**Sec. 120-50. Required Yards and Permitted Lot Coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the R-4 Multifamily Residential District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

- (1) *Front yard.* Not less than 25 feet;
- (2) *Side yards:*
- a. *Single-family:* 10% of lot frontage, not less than six feet;
  - b. *Single-family attached dwellings:* Not less than ten feet at each end of a row of attached units;
  - c. *Multifamily dwellings:* Not less than 15 feet, provided that side yards abutting any property lying within a CD, R-1, R-2, or R-3 District or abutting any property devoted to single-family dwelling use in any district shall be not less than 20 feet;
  - d. *Other uses:* Not less than 15 feet;
- (3) *Rear yard.* Not less than 25 feet;
- (4) *Lot coverage.* Not more than 40 percent of the area of a lot shall be covered by the main building and accessory buildings, provided that this requirement shall not be applicable to multifamily dwellings, lodging houses, or nursing homes.
- (5) *Height* No building or structure shall exceed a height of 45 feet. (See Article III for supplementary height regulations).

**Sec. 120-51. Yards Between Main Buildings on the Same Lot.**

When two or more main buildings devoted to dwelling use are situated on the same lot, yards of not less than 25 feet shall be provided between such buildings, except that:

- (1) Where neither of the opposing walls of two buildings contains windows, the yard between the buildings shall be not less than 20 feet.

### **Sec. 120-52. Usable Open Space Requirements.**

Usable open space in the amount of not less than 25 percent of the area of the lot shall be provided on each lot devoted to multifamily dwelling, lodging house or nursing home use. For the purposes of this requirement, usable open space shall be as defined in Article I of this chapter.

### **Sec. 120-53 Additional Requirements for Attached Dwellings.**

In addition to the requirements set forth elsewhere in this article, the following requirements shall be applicable to single-family attached dwelling developments.

- (1) *Areas to be held in common.* In the event common areas are provided within a development site for purposes of roadways, parking, access, open space, recreation or other purposes, such common areas shall be maintained by and be the responsibility of the developer or owner of the development until such time as they are conveyed to a homeowners' association consisting of the owners of individual units within the development and established for purposes of ownership and maintenance of such common areas;
- (2) *Covenants and restrictions.* Appropriate covenants and deed restrictions approved as to form and substance by the city attorney shall be recorded to provide for the perpetuation and maintenance of all areas and facilities within a development site to be held in common ownership by property owners within such site. Such covenants and restrictions shall provide, among other things, that the costs of maintaining common areas and facilities shall be levied on a pro rata basis upon each individual lot within the development, and in the event of non-payment shall constitute a lien on the lot;
- (3) *Maximum units in a row.* Not more than eight single-family attached dwellings shall be attached in a series or continuous row;
- (4) *Variation in front yards or facades.* Variations in front yards or in the architectural treatment of the fronts of dwelling units shall be provided within each continuous row of attached units so that no more than two contiguous units are provided with the same front yard and the same architectural treatment;
- (5) *Frontage and access.* Each single-family attached dwelling shall be located on a lot having frontage or access meeting the requirements of section 120-162 of this chapter. In addition to front, side and rear yards required on individual lots, easements or areas in common or public ownership shall be provided at such locations and of such width as necessary to enable access by residents and service and emergency personnel to all lots within the development site;
- (6) *Recreation area.* Each development site containing more than eight dwelling units shall be provided with common recreation area of not less than ten percent of the area

of the development site. Such area shall be accessible to all units and improved for active or passive recreational use by residents of the development.

**Sec. 120-54 Additional Requirements for Multi-Family Dwellings.**

In addition to the requirements set forth elsewhere in this article, the following requirements shall be applicable to multi-family dwellings:

- (1) *Bedroom requirements.* For the purposes of this section, any room, other than a living room, dining room or area, kitchen or bathroom, which could be used for sleeping purposes, shall be counted as a bedroom. The minimum size of such bedroom shall not be less than 70 square feet per inhabitant.

## **DIVISION 6. UD – UNIVERSITY RESIDENTIAL/BUSINESS DISTRICT**

### **Sec. 120-55. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the UD - University Residential/Commercial District is to provide for medium to high density development with a variety of housing types and commercial services. appropriate areas for the development and the operation of facilities for higher education, including university teaching facilities and related support facilities, recreation facilities, and other amenities and services related to and necessary for the operation of an institution of higher education. District regulations are intended to enable relatively high density residential development with open spaces and off-street parking sufficient to avoid congestion and over-crowding, and to encourage a safe, attractive and harmonious neighborhood with a compatible relationship between high density residential uses and supportive commercial developments and other uses associated with the university and adjacent neighborhoods. The District is designed to accommodate off-campus housing for students, staff and faculty along with retail stores and shops, restaurants, and other commercial uses at locations convenient to the Radford University campus and its environs and result in minimal impact on the character of adjoining districts.

### **Sec. 120-56. Permitted Uses and Structures.**

- (1) Educational facilities, offices, recreational areas and safety-related uses associated with Radford University;
- (2) Any uses or structures located in this district at the time of adoption of this ordinance;
- (3) Single Family Dwellings;
- (4) Group Home;
- (5) Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, but not including wastewater treatment plants, water treatment plants or electric generating plant;
- (6) Public Parks and Recreation Areas;
- (7) Duplex dwellings;
- (8) Townhouses, in accordance with the Townhouse guidance in this Chapter; and
- (9) Multifamily dwellings, provided that a site plan has been approved by the planning commission;

**Sec. 120-57. Uses and Structures Permitted with a Special Use Permit.**

- (1) Location and/or use of structure(s) proposed in excess of 65 feet in height;
- (2) Outdoor sports and recreational facility;
- (3) Any uses deemed to be in compliance with the definition of “Retail Stores and Shops”;
- (4) Educational facilities, primary and secondary;
- (5) Churches and other places of worship;
- (6) Restaurant;
- (7) Parking facilities;
- (8) Bed and Breakfast;
- (9) Private club, lodge, civic organization, fraternity and/or sorority living quarters and related meeting areas, provided that a site plan has been approved by the planning commission

**Sec. 120-58. Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

- (1) Home occupations as defined in Article I of this chapter;
- (2) Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;
- (3) Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
- (4) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- (5) Signs as permitted by the provisions of Article V of this chapter;
- (6) Parking;
- (7) Satellite dish antenna not exceeding twenty inches in diameter;
- (8) Swimming Pool associated with a private residence in side or rear yard;

(9) Garden; and

(10) Customary accessory structures.

**Sec. 120-59. Lot Requirements.**

The following lot area and lot width requirements shall be applicable in the UD University Residential District.

- (1) *Single family dwellings.* Single-family dwellings shall be located on lots not less than 7,500 square feet in area and not less than 60 feet in width;
- (2) *Single family attached dwellings.* Individual lots shall be no less than 1,600 square feet in area, provided that the total number of dwelling units on a development site as defined in Article I of this ordinance shall not exceed ten (10) per acre. Individual lots shall be no less than 16 feet in width; provided that the end lots of each row of attached units shall be no less than 26 feet in width;
- (3) *Multifamily dwellings.* The minimum required lot area of multifamily dwellings shall be 10,000 square feet for up to four units, plus 1,600 square feet per dwelling unit in excess of four units. The minimum lot width shall be 100 feet. In addition to the requirements set forth elsewhere in this article, the following requirements shall be applicable to multifamily dwellings:
  - a. *Bedroom requirements.* For the purposes of this section, any room, other than a living room, dining room or area, kitchen or bathroom, which could be used for sleeping purposes, shall be counted as a bedroom. The minimum size of such bedroom shall not be less than 70 square feet per inhabitant.
- (4) *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings and multifamily dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including such requirements as may be imposed in conjunction with a Special Use Permit or Site Plan.
- (5) *Height regulations.* No building or structure shall exceed a height of 65 feet. (See Article III for supplementary height regulations.)

**Sec. 120-60. Required Yards and Permitted Lot Coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the UD University Residential District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

- (1) *Front yard.* Not less than 25 feet;

(2) *Side yards:*

- a. *Single-family:* Not less than six feet.
- b. *Single-family attached dwellings:* Not less than ten feet at each end of a row of attached units.
- c. *Multifamily dwellings:* Not less than 15 feet, provided that side yards abutting any property lying within a CD, R-1, R-2, or R-3 District or abutting any property devoted to single-family dwelling use in any district shall be not less than 20 feet.
- d. *Other uses:* Not less than 15 feet.

(3) *Rear yard.* Not less than 25 feet.

(4) *Lot coverage.* Not more than 40 percent of the area of a lot shall be covered by the main building and accessory buildings, provided that this requirement shall not be applicable to multifamily dwellings, lodging houses, or nursing homes.

**Sec. 120-61. Yards Between Main Buildings On The Same Lot.**

When two or more main buildings devoted to permitted uses are situated on the same lot, yards of not less than 40 feet shall be provided between such buildings.

**Sec. 120-62. Usable Open Space Requirements.**

Usable open space in the amount of not less than 25 percent of the area of the lot shall be provided on each lot devoted to multifamily dwellings. For the purposes of this requirement, usable open space shall be as defined in Article I of this chapter.

**Sec. 120- 63 Additional Requirements for Attached Dwellings.**

In addition to the requirements set forth elsewhere in this article, the following requirements shall be applicable to single-family attached dwelling developments.

- (1) *Areas to be held in common.* In the event common areas are as are provided within a development site for purposes of roadways, parking, access, open space, recreation or other purposes, such common areas shall be maintained by and be the responsibility of the developer or owner of the development until such time as they are conveyed to a homeowners' association consisting of the owners of individual units within the development and established for purposes of ownership and maintenance of such common areas;
- (2) *Covenants and restrictions.* Appropriate covenants and deed restrictions approved as to form and substance by the city attorney shall be recorded to provide for the perpetuation and maintenance of all areas and facilities within a development site to be held in common ownership by property owners within such site. Such covenants and

restrictions shall provide, among other things, that the costs of maintaining common areas and facilities shall be levied on a pro rata basis upon each individual lot within the development, and in the event of non-payment shall constitute a lien on the lot;

- (3) *Maximum units in a row.* Not more than ten single-family attached dwellings shall be attached in a series or continuous row;
- (4) *Variation in front yards or facades.* Variations in front yards or in the architectural treatment of the fronts of dwelling units shall be provided within each continuous row of attached units so that no more than two contiguous units are provided with the same front yard and the same architectural treatment;
- (5) *Frontage and access.* Each single-family attached dwelling shall be located on a lot having frontage or access meeting the requirements of section 120-162 of this chapter. In addition to front, side and rear yards required on individual lots, easements or areas in common or public ownership shall be provided at such locations and of such width as necessary to enable access by residents and service and emergency personnel to all lots within the development site;
- (6) *Recreation area.* Each development site containing more than eight dwelling units shall be provided with common recreation area of not less than ten percent of the area of the development site. Such area shall be accessible to all units and improved for active or passive recreational use by residents of the development.

#### **Sec. 120- 64 Additional Requirements for Greek Organizations / Signs.**

Greek Organization Sign is defined as any sign, flag or other object used to identify a Greek organization (fraternity, sorority, or club) are permitted under the following conditions:

Flag requirements:

1. Flags must be located in the UD University / Business District or Business district (generally five (5) blocks surrounding the Radford University main campus).
2. Flags shall not exceed 3-foot by 5-foot in size.
3. Flag design and location must be approved by Radford University's Office of Student Affairs and the Zoning Administrator.
4. A maximum of one (1) flag per organization is permitted.

Display of Greek letters, banners, signs, etc, other than flags, are permitted only during special events under the following conditions:

1. Special events are limited to Radford University Homecoming, Rush, and Greek Week
2. The location and type of displays must be approved by Radford University's Office of Student Affairs and the Zoning Administrator
3. Letters, signs, banners, decorations, etc, may be hung on Friday before the event and must be removed by Sunday evening following the event.

## **DIVISION 7 – MU – Mixed-Use Residential/Business District**

### **Sec.120-65 Intent of District**

The MU Mixed Use Residential/Business District is created in recognition that some residential areas in the city may be suitable for the integration of residential and limited commercial uses of benefit to neighborhood residents. The intent of the district is to create a walkable, livable residential community with a mixture of residential and nonresidential uses. To that end, the scale and nature of retail uses is limited to preserve the mixed character of the district.

### **Sec. 120-66 Permitted Uses and Structures**

The following uses are permitted by right in the MU Mixed Use Residential/Business District:

1. Single Family Dwellings;
2. Family Day Care Home;
3. Group Home;
4. Multi-family dwellings of seven (7) or less units, provided a site plan has been approved by the planning commission;
5. Rights-of-way, easements and facilities necessary for the provision and maintenance of public utilities and transportation, but not including wastewater treatment plants, water treatment plants or electric generating plant;
6. Any uses or structures located in this district at the time of adoption of this ordinance;
7. Any use deemed to be in compliance with the definition of “Retail Stores and Shops”, containing five or less businesses;
8. Auto service stations, auto service centers and self-service gasoline stations;
9. Automatic or self-service auto wash facilities;
10. Banks and other financial institutions;
11. Barber shops or beauty parlors;
12. Bicycle sales and repair shops;
13. Catering or delicatessen business;
14. Contractors’ offices, shops and display rooms;

15. Parking areas and parking garages as a principal use of property;
16. Restaurants and other food service and catering establishments, at which food or beverages are available and provided a site plan has been approved by the planning commission;
17. Bed and Breakfast;
18. Churches and other places of worship.

**Sec. 120-67 Uses and Structures Allowed with a Special Use Permit**

The following uses and structure shall be allowed in the MU Mixed Use Residential/Business District with an approved Special Use Permit, as set forth in Article IX of this chapter:

1. Townhouses, in accordance with the Townhouse guidance in this Chapter;
2. Duplexes;
3. Multi-Family dwellings with more than seven (7) units, provided that a site plan has been approved by the planning commission;
4. Living quarters, in the main building, of owner-occupied single-family dwellings, when such living quarters are occupied by persons employed on the premises;
5. Public schools and private schools having substantially the same academic curriculum as public schools, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet from a lot containing a residence;
6. Parks, playgrounds and other recreation facilities, libraries, museums and community centers; when such uses are owned or operated by a governmental agency or non-profit organization, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. No recreational facilities shall be located closer than 100 feet of a lot containing a residence;
7. Neighborhood recycling drop center, publicly owned and operated
8. Private club, lodge, civic organization, fraternity and/or sorority living quarters and related meeting areas, provided that a site plan has been approved by the planning commission;
9. Home for adults;
10. Nursing Home;

11. Clinic;

**Sec. 120-68. Uses and Structures Permitted as Accessory Uses.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

1. Home occupations as defined in Article I of this chapter;
2. Recreational vehicles stored within the required side or rear yard, occupancy is prohibited;
3. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
4. Signs as permitted by the provisions of Article V of this chapter;
5. Parking;
6. Satellite dish antenna not exceeding twenty inches in diameter;
7. Swimming Pool associated with a private residence in side or rear yard;
8. Garden; and
9. Customary accessory structures.

**Sec. 120-69. Lot Requirements.**

The following lot area and lot width requirements shall be applicable in the MU Mixed Use Residential/Business District:

1. Not less than 25% or more than 75% of the development shall be dedicated to business/commercial uses;
2. *Single family dwellings.* Single-family dwellings shall be located on lots not less than 7,500 square feet in area and not less than 60 feet in width;
3. *Single family attached dwellings.* Individual lots shall be no less than 1,600 square feet in area, provided that the total number of dwelling units on a development site as defined in Article I of this ordinance shall not exceed ten (10) per acre. Individual lots shall be no less than 16 feet in width, provided that the end lots of each row of attached units shall be no less than 26 feet in width;

4. *Multifamily dwellings.* The minimum required lot area of multifamily dwellings shall be 10,000 square feet for up to four units, plus 1,600 square feet per dwelling unit in excess of four units. The minimum lot width shall be 100 feet;
5. *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings and multifamily dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including such requirements as may be imposed in conjunction with a site plan.
6. *Height regulations.* No building or structure shall exceed a height of 65 feet. (See Article III for supplementary height regulations.)

**Sec. 120-70. Required Yards and Permitted Lot Coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the MU Mixed Use District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

1. *Front yard.* Not less than 25 feet;
2. *Side yards:*
  - b) *Single-family:* Not less than six feet.
  - c) *Single-family attached dwellings:* Not less than ten feet at each end of a row of attached units.
  - d) *Multifamily dwellings:* Not less than 15 feet, provided that side yards abutting any property lying within a CD, R-1, R-2, or R-3 District or abutting any property devoted to single-family dwelling use in any district shall be not less than 20 feet.
  - e) *Other uses:* Not less than 15 feet.
3. *Rear yard.* Not less than 25 feet.
4. *Lot coverage.* Not more than 40 percent of the area of a lot shall be covered by the main building and accessory buildings, provided that this requirement shall not be applicable to multifamily dwellings, lodging houses, or nursing homes.

**Sec. 120-71. Yards Between Main Buildings On The Same Lot.**

When two or more main buildings devoted to permitted uses are situated on the same lot, yards of not less than 40 feet shall be provided between such buildings.

## **Sec. 120-72. Usable Open Space Requirements.**

Usable open space in the amount of not less than 25 percent of the area of the lot shall be provided on each lot devoted to multifamily dwellings. For the purposes of this requirement, usable open space shall be as defined in Article I of this chapter.

## **Sec. 120- 73 Additional Requirements for Attached Dwellings.**

In addition to the requirements set forth elsewhere in this article, the following requirements shall be applicable to single-family attached dwelling developments.

1. *Areas to be held in common.* In the event common areas are as are provided within a development site for purposes of roadways, parking, access, open space, recreation or other purposes, such common areas shall be maintained by and be the responsibility of the developer or owner of the development until such time as they are conveyed to a homeowners' association consisting of the owners of individual units within the development and established for purposes of ownership and maintenance of such common areas;
2. *Covenants and restrictions.* Appropriate covenants and deed restrictions approved as to form and substance by the city attorney shall be recorded to provide for the perpetuation and maintenance of all areas and facilities within a development site to be held in common ownership by property owners within such site. Such covenants and restrictions shall provide, among other things, that the costs of maintaining common areas and facilities shall be levied on a pro rata basis upon each individual lot within the development, and in the event of non-payment shall constitute a lien on the lot;
3. *Maximum units in a row.* Not more than ten single-family attached dwellings shall be attached in a series or continuous row;
4. *Variation in front yards or facades.* Variations in front yards or in the architectural treatment of the fronts of dwelling units shall be provided within each continuous row of attached units so that no more than two contiguous units are provided with the same front yard and the same architectural treatment;
5. *Frontage and access.* Each single-family attached dwelling shall be located on a lot having frontage or access meeting the requirements of section 120-162 of this chapter. In addition to front, side and rear yards required on individual lots, easements or areas in common or public ownership shall be provided at such locations and of such width as necessary to enable access by residents and service and emergency personnel to all lots within the development site;
6. *Recreation area.* Each development site containing more than eight dwelling units shall be provided with common recreation area of not less than ten percent of the area of the development site. Such area shall be accessible to all units and improved for active or passive recreational use by residents of the development.

## **DIVISION 8. R-MH MANUFACTURED HOME RESIDENTIAL DISTRICT**

### **Sec. 120-74. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the R-MH Manufactured Home Residential District is to provide appropriate locations within the city for the development of attractive and well-planned manufactured home parks and subdivisions in accordance with modern development standards. The regulations applicable within the district are intended to encourage the development of moderate cost housing within a suitable residential environment which is adequately protected from intrusion by potentially incompatible uses. The regulations and development standards in the district are also intended to ensure the provision of necessary services for residents of manufactured home developments and to promote a compatible relationship between such developments and nearby communities.

### **Sec. 120-75. Uses and Structures Permitted with a Special Use Permit.**

The following uses and structures shall be permitted with a Special Use Permit in the R-MH Manufactured Home Residential District:

- (1) Manufactured home parks as defined in Article I of this chapter;
- (2) Manufactured home subdivisions;
- (3) Manufactured homes located within manufactured home parks and manufactured home subdivisions approved in accordance with the provisions of this article;
- (4) Uses and structures within manufactured home parks and manufactured home subdivisions intended for the use of or the provision of services to residents of the manufactured home park or subdivision including: parks, playgrounds, community center and recreation facilities; administrative, maintenance and storage facilities; laundry facilities; and public and private utilities;
- (5) Signs as permitted by the provisions of Article V of this chapter; and
- (6) Uses and structures accessory to individual manufactured home units.

### **Sec. 120-76. Manufactured Home Park Regulations.**

- (1) *Area and density.* The following area and density requirements shall be applicable to manufactured home parks.
  - a. Manufactured home parks shall contain not less than two acres in area.
  - b. The maximum density within a manufactured home park shall not exceed ten units per gross acre within the manufactured home park, provided that all other applicable requirements of this article shall be met.

- (2) *Recreation area.* Every manufactured home park shall include within its boundaries areas for indoor or outdoor recreation facilities for common use by residents of the park. Such areas shall in the aggregate consist of not less than 5,000 square feet, plus 250 square feet for each manufactured home space in excess of ten spaces within the manufactured home park. Recreation areas shall be suitably improved and maintained for active or passive recreation use, and may include space within community buildings and facilities such as playgrounds, parks, swimming pools, game courts and similar facilities, but shall not include any area devoted to individual manufactured home spaces, parking areas or utility, maintenance or management facilities.
- (3) *Manufactured home spaces.* Individual manufactured home spaces shall meet the following requirements.
- a. Each manufactured home space shall be not less than 3,000 square feet in area.
  - b. The dimensions of manufactured home spaces shall be not less than 30 feet in width and 100 feet in depth.
  - c. Each manufactured home space shall have frontage on a public or private street improved in accordance with applicable standards.
- (4) *Improvements and general requirements.* The following improvement requirements and other general requirements shall be applicable to manufactured home parks.
- a) *Street frontage.* Every manufactured home park shall have frontage on and access to a public street.
  - b) *Street improvements.* All streets and roadways within a manufactured home park shall be paved with dust-free, all weather hard surface material such as asphalt, asphalt and gravel seal coat, concrete, unit pavers or similar material approved by the zoning administrator.
  - c) The width of private streets shall be not less than 24 feet. In any case where parking is situated along a private street, such additional width shall be provided as necessary to accommodate required parking space dimensions and to maintain a usable street width for traffic of not less than 24 feet.
  - d) Public streets shall conform to the requirements of the Virginia Department of Transportation.
  - e) *Traffic control.* Signs conforming to the requirements of the city engineer shall be installed, within each manufactured home park for purposes of traffic control and safety. In addition thereto, at each entrance to a private street from a public

street, and 18-inch by 24-inch sign shall be posted stating “private drive: no thru traffic” with lettering of such size as to be readable from a distance of 15 feet.

- f) *Storm drainage.* Storm drainage facilities shall be provided within each manufactured home park in accordance with a storm drainage plan submitted with the special use permit, application and approved in conjunction therewith.
- g) *Sewer and water systems.* Every manufactured home park shall be served by public sewer and water systems which shall be connected to each manufactured home unit and each building or structure containing plumbing facilities.
- h) *Walkways.* Sidewalks paved with concrete, asphalt, unit pavers or similar material shall be provided between each manufactured home unit and the street along which it fronts and elsewhere in the manufactured home park where necessary to enable safe and convenient pedestrian movement to and from common facilities.
- i) *Lighting.* Lighting shall be installed along each street within each manufactured home park and adjacent to common facilities utilized by residents of the park. A lighting plan shall be submitted with the Special Use Permit application and approved in conjunction therewith.
- j) *Underground utilities.* All utilities within a manufactured home park shall be installed underground; provided that this requirement may be waived by the planning commission and City Council where it finds that soil or topographic conditions make such requirement impracticable.
- k) *Refuse facilities.* Refuse containers of adequate capacity to meet the needs of all manufactured home units and common facilities shall be provided for the deposit and collection of refuse within each manufactured home park. Containers serving individual manufactured home units and containers serving common facilities within the manufactured home park shall be so located or screened as to not be visible from public or private streets or adjacent properties.
- l) *Delineation of spaces.* Each manufactured home space shall be clearly defined with permanent markers at each corner and shall be identified with the space number as shown on the approved plans.
- m) *Installation of manufactured homes.* No manufactured home shall be installed within a manufactured home park until all required improvements have been completed and a certificate of occupancy for the manufactured home park or for that portion of the manufactured home park to be occupied has been approved by the zoning administrator and issued by the building official.

(5) *Yards separation and buffer requirements.* Along with other landscaping requirements listed in Article III, Division 7, the following yard, separation and buffer requirements shall be applicable to manufactured home parks:

- a) Individual manufactured home spaces shall be located not less than 25 feet from public street rights-of-way and all exterior boundaries of the manufactured home park.
- b) No manufactured home shall be located within 20 feet of any other manufactured home or any roadway, common parking area or outdoor recreation area.
- c) No building or structure intended for recreation, maintenance, management, utility or other common use within a manufactured home park shall be located within 20 feet of any manufactured home space or any roadway intended for general circulation within the manufactured home park.

**Sec. 120-77. Manufactured Home Subdivision.**

- (1) *Minimum area.* Manufactured home subdivisions shall contain not less than five (5) acres in area and have a side yard of 40 feet, a front setback of 35 feet and a rear yard of 25 feet.
- (2) *Compliance with subdivision requirements.* All manufactured home subdivisions shall conform to the standards and requirements of the subdivision regulations of the city as set forth in Chapter 18 of the City Code, and shall be subject to the review and approval processes set forth therein.
- (3) *Installation of manufactured homes.* No manufactured home shall be installed within a manufactured home subdivision until all requirements of the subdivision regulations have been met, a site plan for the subdivision has been approved and all required improvements have been installed within the subdivision or that portion of the subdivision to be occupied.

**Sec. 120-78. Lot area and width requirements.**

The following lot area and lot width requirements shall be applicable

- (4) *Single-family dwellings.* Single-family dwellings shall be located on lots of not less than 6,000 square feet in area and not less than 50 feet in width. The lots shall be generally arranged such that the long axis of the lot is parallel to the street.
- (5) *Other uses.* There shall be no minimum required lot area or lot width for uses other than single-family dwellings, provided that sufficient lot area and width shall be available to enable compliance with all other applicable requirements of this chapter, including such requirements as may be imposed in conjunction with a site plan.

- (6) *Height regulations.* No building or structure shall exceed a height of 35 feet. (See Article III for supplementary height regulations.)

**Sec. 120-79. Required yards and permitted lot coverage.**

The following yard (setback) and lot coverage requirements shall be applicable in the R-2 Single-Family Residential District. (See Article III for supplementary regulations pertaining to yards in general, yards for accessory buildings and yards on corner lots.)

- (1) *Setback or Front yard.* Not less than 20 feet.
- (2) *Side yards:*
  - a. *Single family dwellings:* Not less than six (6) feet.
  - b. *Other uses:* Not less than 20 feet.
- (3) *Rear yard:*
  - c. *Single-family dwellings:* Not less than 20 feet.
  - d. *Other uses:* Not less than 30 feet
- (4) *Lot coverage.* Not more than 40 percent of the area of a lot shall be covered by the main building and accessory buildings.

**Sec. 120-80. Requirements for all Manufactured Homes.**

- (1) *Installation and occupancy.* All manufactured homes shall be installed in accordance with applicable requirements of the Virginia Uniform Statewide Building Code. A zoning permit shall be required prior to installation of any manufactured home, and a certificate of occupancy shall be required for each manufactured home upon completion of installation and prior to occupancy.
- (2) *Skirting.* Skirting shall be provided around the base of each manufactured home so as to conceal from view the frame, axles, wheels, crawl space and all utility connections. Skirting shall be constructed of weather resistant material and shall meet the requirements of the Virginia Uniform Statewide Building Code.

**Sec. 120-81. Off-street Parking Requirements.**

- (1) *Manufactured home spaces.* Every manufactured home space within a manufactured home park shall be provided with not less than two off-street parking spaces located within the boundaries of the manufactured home space or within a common parking area or on a private street of suitable dimensions situated immediately adjacent to the manufactured home space.

- (2) *Subdivision lots.* Every manufactured home within a manufactured home subdivision shall be provided with not less than two off-street parking spaces within the boundaries of the lot on which such manufactured home is located.
- (3) *Common facilities.* Off-street parking spaces shall be provided to serve all uses and structures within manufactured home parks and manufactured home subdivisions intended for the use of or the provision of services to residents of the park or subdivision, including community center, recreation, administrative, maintenance and laundry facilities. The number of spaces provided for such facilities shall be not less than one-half the number that would be required for similar facilities available for use by the general public and as set forth in Article IV of this chapter.
- (4) *General requirements.* Except as provided in paragraph (c) of this section, required off-street parking spaces within manufactured home parks and manufactured home subdivisions shall conform to the applicable provisions of Article IV of this chapter; provided that all off-street parking areas within manufactured home parks, regardless of the number of spaces within such parking areas, shall be paved with dust-free, all-weather hard surface material such as asphalt, asphalt and gravel seal coat, concrete, unit pavers or similar material approved by the zoning administrator.

**Sec. 120-82. Site Plan Required.**

A site plan approved by the Planning Commission as set forth in Article VIII of this chapter shall be required for all manufactured home parks and manufactured home subdivisions. Approval of a site plan shall not be required for individual manufactured homes or structures accessory thereto located within a manufactured home space or on a lot intended for occupancy by a manufactured home in a manufactured home subdivision.

**Sec. 120-83. Height Regulations.**

No building or structure shall exceed a height of 18 feet. (See Article III for supplementary height regulations.)

## **DIVISION 9. B-1 LIMITED BUSINESS DISTRICT**

### **Sec. 120-84. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the B-1 Limited Business District is to accommodate a limited range of low-intensity retail, personal service and office uses which are compatible with adjacent residential areas, and which provide for the convenience and day-to-day needs of residents of nearby neighborhoods. The district is intended to encourage small concentrations of business uses as opposed to strip commercial development, and in some cases to provide a transition between residential areas and general business uses. The Limited Business District standards allow for development latitude and should be proposed and planned for areas that provide for adequate development expansion space, landscaped parking areas and service, utilities, and other facilities. The permitted uses and off-street parking requirements, in accordance with Article IV of this ordinance, are designed to reflect high levels of walk-in trade and to promote a safe and convenient pedestrian environment.

### **Sec. 120-85. Uses and Structures Permitted by Right.**

The following use types and structures shall be permitted in the B-1 Limited Business District:

- (1) Uses or structures located in this district at the time of adoption of this ordinance;
- (2) Uses including office and clinic in structures of a size and scale similar to residential structures or deemed to be in compliance with the definition of “Retail Stores and Shops”, in developments containing five or less businesses;
- (3) Public parks and recreation areas;
- (4) Safety services;
- (5) Utility services; and
- (6) Educational facilities/primary and secondary.
- (7) Churches and other places of worship

### **Sec. 120-86. Uses and Structures Permitted with a Special Use Permit.**

The following use types and structures shall be permitted in the B-1 Limited Business District with an approved special use permit:

- (1) Developments that include office, retail, and general businesses uses assessed as appropriate for this district with a planning commission approved site plan which may be conditioned as to timing of development.

**Sec. 120-87. Lot Requirements.**

There shall be no minimum lot area or lot width requirements.

**Sec. 120-88. Required Yards.**

The following yards (setbacks) shall be required in the B-1 Limited Business District. (See Article III for supplementary regulations pertaining to yards and parking in yards.)

- (1) *Front yard.* No front yards shall be required; unless where the frontage of a lot abuts property located in any Conservation or Residential District there shall be a front yard of not less than the front yard required in such Conservation or Residential Districts
- (2) *Side yards.* No side yards shall be required, unless where a side lot line abuts or is situated across an alley from property located in any Conservation or Residential District there shall be a side yard of not less than ten feet.
- (3) *Rear yard.* Not less than 25 feet. There will be no setback requirement when a rear yard adjoins an alley.
- (4) *Height.* No building or structure shall exceed a height of 35 feet. (See Article III for supplementary height regulations.)

## **DIVISION 10. B-2 GENERAL BUSINESS DISTRICT**

### **Sec. 120-89. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the B-2 General Business District is to accommodate a wide range of retail, wholesale, service and office uses that cater to the traveling public and which serve the city as a whole and the surrounding region. The district is designed for use along principal highways and to areas having direct access thereto, in order to provide safe and efficient access while avoiding the routing of traffic onto minor streets or through residential areas. The regulations of the district are designed to afford flexibility in permitted uses and in the utilization of individual sites in order to promote business opportunities, economic development and the provision of services. The district also contains provisions intended to encourage harmonious development, to minimize potential adverse impacts of business development and to ease the transition between business areas and adjacent residential areas.

### **Sec. 120-90. Uses and Structures Permitted by Right.**

The following use types and structures shall be permitted in the B-2 General Business District:

- (1) Any uses or structures located in this district at the time of adoption of this ordinance;
- (2) Any use deemed to be in compliance with the definition of “Retail Stores and Shops”, containing five or less businesses;
- (3) Auto service stations, auto service centers and self-service gasoline stations;
- (4) Automatic or self-service auto wash facilities;
- (5) Automobile, truck, trailer, recreational vehicle, equipment, machinery, rental, service and repair businesses, but not including junkyards or automobile graveyards, and provided that no repair of motor vehicles shall be conducted outside of a completely enclosed building and in view from any adjacent property or public street;
- (6) Building materials and mechanical, electrical, plumbing and heating supplies sales;
- (7) Banks and other financial institutions;
- (8) Barber shops or beauty parlors;
- (9) Bicycle sales and repair shops;
- (10) Catering or delicatessen business;
- (11) Contractors’ offices, shops and display rooms;

- (12) Entertainment, amusement and recreational facilities located within completely enclosed buildings, and including theaters, art galleries, amusement centers, bowling alleys, dance and nightclubs, lodge and club meeting places, auditoriums, assembly halls and similar uses but not including adult uses;
- (13) Garden centers and plant nurseries;
- (14) Hotels and motels;
- (15) Machine shops and sheet metal fabricating shops;
- (16) Parking areas and parking garages as a principal use of property;
- (17) Public utilities or public service or transportation uses, buildings, (including bus stations), generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, substations and major transmission lines;
- (18) Recycling collection centers for use by the general public, provided that no processing of materials collected shall take place on the site;
- (19) Research facilities and testing laboratories;
- (20) Restaurants and other food service and catering establishments, provided that where food or beverages are available;
- (21) Terminals and related facilities for public transportation;
- (22) Veterinary clinics, animal hospitals and animal shelters, but not including kennels;
- (23) Vocational, business and professional schools; and
- (24) Wholesale and distribution businesses, within the confines of the building footprint

**Sec. 120-91. Uses and Structures Permitted with a Special Use Permit.**

The following uses shall be permitted, provided that a site plan approved by the planning commission shall be required as set forth in Article VIII of this chapter. The approved site plan shall address both on-site and off-site impacts of the proposed development

- (1) Hospitals;
- (2) Miniature golf courses, golf driving ranges, drive-in theaters and other similar outdoor commercial recreational facilities;
- (3) Kennels or runs;

- (4) Carnival or fair or similar outdoor activity;
- (5) Outdoor sales area or flea market;
- (6) Private storage buildings over 300 square feet;
- (7) Drive up facilities to access banks, business, and restaurant services.

**Sec. 120-92. Uses and Structures Permitted as Accessory Structures.**

Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations.

- (1) Living quarters in main structure of persons employed on the premises.
- (2) Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work;
- (3) Signs as provided in Article V;
- (4) Parking as provided in Article IV;
- (5) Swimming pool associated with the development;
- (6) Private storage buildings 300 square feet or less; and
- (7) Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work or 12 months, which ever occurs first.

**Sec. 120-93. Lot area and width requirements.**

There shall be no minimum lot area or lot width requirements.

**Sec. 120-94. Required yards.**

The following yards (setbacks) shall be required in the B-2 General Business District. (See Article III for supplementary regulations pertaining to yards and parking in yards.)

- (1) *Front yards.* Not less than 20 feet.
- (2) *Side yards.* No side yards shall be required; unless where a side lot line abuts or is situated across an alley from property located in any Conservation or Residential District, then there shall be a side yard of not less than 25 feet.

- (3) *Rear yard.* Not less than 25 feet when adjacent to residential districts. When adjacent to any non residential district, then there shall be a rear yard of no less than 5 feet.
- (4) *Height* No building or structure shall exceed a height of 65 feet. (See Article III for supplementary height regulations).

**Sec. 120-95. Use of certain yard areas.**

Required side yards abutting property in any Conservation or Recreation District shall not be devoted to any of the following uses or activities, nor shall any of the following take place within ten feet of any street right-of-way line:

- (1) Outdoor storage of materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles;
- (2) Outdoor display or sales areas for vehicles or other products; and
- (3) Loading or unloading areas for trucks and other vehicles.

## **DIVISION 11. B-3 CENTRAL BUSINESS DISTRICT**

### **Sec. 120-96. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the B-3 Central Business District is to provide for the day-to-day and specialty shopping and personal service needs of the community within a compact and well-defined area having a pedestrian orientation. The permitted uses and regulations of the district are intended to promote an attractive pedestrian shopping environment with predominately public parking and continuity of retail, personal service and office establishments at street level. The district is intended to avoid domination by vehicle-oriented uses and heavy business uses that are more appropriately located in the General Business District. The B-3 Central Business District is also intended to encourage residential use of upper floors of commercial buildings to provide economic use of such space and promote a 24-hour population, in the district. Secure parking for residential developments is the responsibility of the project developer.

### **Sec. 120-97. Permitted uses and structures.**

The following use types and structures shall be permitted in the B-3 Central Business District:

- (1) Any uses or structures located in this district at the time of adoption of this ordinance;
- (2) Any uses deemed to be in compliance with the definition of “Retail stores and Shops”;
- (3) Restaurants and other food service and catering establishments, provided that where food or beverages are available;
- (4) Public parks and recreation areas;
- (5) Safety services;
- (6) Utility services;
- (7) Educational facilities/primary and secondary; and
- (8) Pedestrian oriented commercial retail businesses.

### **Sec. 120-98. Permitted Uses and Structures with a Special Use Permit**

- (1) Location and/or use of structure(s) proposed in excess of 65 feet in height; and
- (2) Drive up facilities to access banks, business, and restaurant services.
- (3) Apartments above and/or below the main ground street level.

**Sec. 120-99. Lot area and width requirements.**

There shall be no minimum lot area or lot width requirements.

**Sec. 120-100. Required yards.**

The following yards (setbacks) shall be required in the B-3 Central Business District

- (1) *Side yards.* No side yards shall be required, provided that where a side lot line abuts or is situated across an alley from property located in any Conservation or Residential District there shall be a side yard of not less than twenty feet.
- (2) *Rear yard.* No rear yard shall be required, provided that where a rear lot line abuts property located in any Conservation or Residential District there shall be a rear yard of not less than twenty five (25) feet.
- (3) *Height.* No building or structure shall exceed a height of 65 feet. Without an approved site plan.

## **DIVISION 12. MD MEDICAL ARTS DISTRICT**

### **Sec. 120-101. Intent of District.**

Pursuant to the general purposes of this chapter, the intent of the MD Medical Arts District is to provide convenient and appropriate locations for concentrations of medical facilities, as well as facilities for providing convalescent care, rehabilitation, retirement and nursing homes and medically related services and enterprises.

### **Sec. 120-102. Permitted Uses and Structures.**

The following uses and structures shall be permitted in the MD Medical Arts District:

- (1) Rehabilitation centers, centers for convalescent care, nursing homes, adult care and retirement facilities;
- (2) Hospitals;
- (3) Medical and dental offices;
- (4) Pharmacies, including related retail functions, provided that that total floor area devoted to sales, display and storage shall not exceed 1,500 square feet;
- (5) Diagnostic medical laboratories;
- (6) Dormitory buildings for nurses, medical technicians and other medical personnel;
- (7) Training facilities for nurses, medical technicians and other medical personnel;
- (8) Signs as permitted by the provisions of Article V of this chapter; and
- (9) Accessory uses and structures.

### **Sec. 120-103. Lot area and width requirements.**

There shall be no minimum lot area or lot width requirements, provided that sufficient lot area and width shall be required to ensure compliance with set-back and other applicable requirements, including such requirements as may be imposed in conjunction with a Special Use Permit or site plan.

### **Sec. 120-104. Required yards.**

The following yards (setbacks) shall be required: (See Article III for supplementary regulations pertaining to yards which may apply).

- (1) *Front yard.* Not less than ten (10) feet.
- (2) *Side yards.* Not less than ten (10) feet.
- (3) *Rear yard.* Not less than fifteen (15) feet.
- (4) Yards shall exist as green space or yards and shall not be used for motor vehicle parking or accessory uses or structures

**Sec. 120-105. Height Regulations.**

No building or structure shall exceed a height of 60 feet. (See Article III for supplementary height regulations.)

## **DIVISION 13. M-1 RESTRICTED INDUSTRIAL/COMMERCIAL DISTRICT**

### **Sec. 120-106 Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the M-1 Restricted Industrial/Commercial District is to allow research facilities, wholesale, warehousing, light industrial and heavy commercial activities within completely enclosed buildings or screened areas. The M-1 District is structured as planned unit district, requiring the preparation of a site plan to describe the intensity and design characteristics of proposed development. The activities within this district involve minimal hazards and do not create significant amounts of smoke, noise, odor, dust or other potential nuisance.

M-1 Districts are intended to be located along or near primary highways to facilitate access and to avoid industrial traffic impacts on minor roads and residential neighborhoods. An approved site plan will be the basis for project construction.

### **Sec. 120-107. Uses and Structures Permitted by Right.**

The following uses and structures shall be permitted in the M-1 Restricted Industrial District:

- (1) Any uses or structures located in this district at the time of adoption of the ordinance;
- (2) Educational facilities/primary, secondary;
- (3) Public parks and recreational areas;
- (4) Safety services;
- (5) Utility services; and
- (6) Itinerant vendor.

### **Sec. 120-108. Uses and Structures Permitted as Accessory Uses**

- (1) Closed Storage facilities

### **Sec. 120-109. Permitted Uses and Structures with Special Use Permit**

All uses that include:

- (1) Research;
- (2) Heavy commercial;
- (3) Manufacturing;
- (4) Compounding;

- (5) Processing;
- (6) Packaging;
- (7) Assembly; and/or
- (8) Treatment of finished or semi-finished products from previously prepared materials.

Location of the specific structure(s) shall be in an area zoned M-1 or rezoned M-1 only as a result of the approval of a site plan that has been developed to address both on-site and off-site impacts of the proposed development, which is approved by the planning commission.

**Sec. 120-110 Approved Site Plan Required**

A relatively wide variety of architectural design and materials shall be permitted. However, it is intended that a basic harmony or architecture shall prevail among developments so that no improvement shall detract from the appearance of the neighborhood. Individuality and creativity are encouraged provided that blending of design into the parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image and high standards. The site plan shall include a landscaping plan that provides for landscaping and maintenance of the entire parcel being developed. The site plan shall provide information on the design of the proposed buildings, parking, and all other improvements to the site.

Proposed uses in the M-1 District shall be proposed by a complete site plan and submitted for consideration by the planning commission. The site plan is to be submitted in accordance with the provisions of the Radford City Zoning Ordinance and addressing the standards enumerated herein prior to initiation of construction. The finding in fact by the planning commission that the proposed project is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with other provisions of law and ordinances, the approved site plan shall control the development of the site, until such time as an amended plan shall be approved.

**Sec. 120-111. Lot Requirements.**

There shall be no minimum lot area or lot width requirements.

**Sec. 120-112. Required Yards.**

The following yards (setbacks) shall be required in the M-1 Restricted Industrial/Commercial District. (See Article III for supplementary regulations pertaining to yards and parking in yards.)

- (1) *Front yard.* No front yard shall be required provided that where the frontage of a lot abuts property located in any Conservation or Residential District there shall be a front yard of not less than 25 feet exclusive of loading docks.

- (2) *Side yards.* No side yards shall be required, provided that where a side lot line abuts or is situated across an alley from property located in any Conservation or Residential District there shall be a side yard of not less than 50 feet. This distance shall be inclusive of mechanical equipment attached or adjacent to structures.
- (3) *Rear yard.* No rear yard shall be required, provided that where a rear lot line abuts or is situated across an alley from property located in any Conservation or Residential District there shall be a rear yard or not less than 50 feet. This distance shall be inclusive of mechanical equipment attached or adjacent to structures.
- (4) *All yards.* All yards shall be maintained in finished condition.
- (5) *Height.* No building or structure shall exceed a height of 65 feet. (See Article III for supplementary height regulations.)
- (6) *Lot Coverage.* The total area of all buildings, including accessory buildings, on a lot shall cover no more than 70 percent of the area of the lot.

## **DIVISION 14. M-2 GENERAL INDUSTRIAL/COMMERCIAL DISTRICT**

### **Sec. 120-113. Intent of district.**

The intent of the M-2 General Industrial District is to provide appropriate locations for industrial uses that are developed in a manner that ensures the environmental and visual impacts of the development are minimized to the extent possible, and by maintaining a high quality corporate image. The M-2 District is structured as a planned unit district. An approved site plan will be the basis for project construction.

### **Sec. 120-114. Permitted uses and structures.**

The following uses and structures shall be permitted in the M-2 General Industrial District:

- (1) Any uses or structures located in this district at the time of adoption of the ordinance;
- (2) Educational facilities/primary, secondary;
- (3) Public parks and recreational areas;
- (4) Safety services;
- (5) Utility services; and
- (6) Itinerant vendor.
- (7) Adult businesses as regulated in Sections 60-21 through 60-30 of the Radford City Code.

### **Sec. 120-115. Permitted Uses and Structures with an Approved Special Use Permit.**

Permitted Uses of the M-2 District are industrial uses which process raw materials for other industrial processes, require outside storage of raw materials, interim products, and finished goods.

Location of the specific structure(s) shall be in an area zoned M-2 or rezoned M-2 only as a result of the approval of a site plan that has been developed to address both on-site and off-site impacts of the proposed development, which is approved by the planning commission.

### **Sec. 120-116. Site Plan Required.**

A relatively wide variety of architectural design and materials shall be permitted. However, it is intended that a basic harmony or architecture shall prevail among developments so that no improvement shall detract from the appearance of the neighborhood. Individuality and creativity are encouraged provided that blending of design into the parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image. High

standards. The site plan shall include a landscaping plan that provides for landscaping and maintenance of the entire parcel being developed. The site plan shall provide information on the design of the proposed buildings, parking, and all other improvements to the site.

Proposed uses in the M-2 District shall be proposed by a complete site plan and submitted for consideration by the planning commission. The site plan is to be submitted in accordance with the provisions of the Radford City Zoning Ordinance and addressing the standards enumerated herein prior to initiation of construction. The finding in fact by the planning commission that the proposed project is compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with other provisions of law and ordinances, the approved site plan shall control the development of the site, until such time as an amended plan shall be approved.

**Sec. 120-117. Lot area and width requirements.**

There shall be no minimum lot area or lot width requirements.

**Sec. 120-118. Required yards.**

The following yards (setbacks) shall be required in the M-2 General Industrial District. (See Article III for supplementary regulations pertaining to yards and parking in yards.)

- (1) *Front yard.* No front yard shall be required, provided that where the frontage of a lot abuts property located in any Conservation or Residential District there shall be a front yard of not less than 50 feet.
- (2) *Side yards.* No side yards shall be required, provided that where a side lot line abuts or is situated across an alley from property located in any Conservation or Residential District there shall be a side yard of not less than 100 feet, and where a side lot line abuts or is situated across an alley from property located in any Business, Medical Arts or University District there shall be a side yard of not less than 50 feet.
- (3) *Rear yard.* No rear yard shall be required, provided that where a rear lot line abuts or is situated across an alley from property located in any Conservation or Residential District there shall be a rear yard of not less than 50 feet, and where a rear lot line abuts or is situated across an alley from property located in any Business, Medical Arts or University District there shall be a rear yard of not less than 50 feet.
- (4) *All yards.* All yards shall be maintained in finished condition.

Required side yards abutting property in any Conservation or Residential District shall not be devoted to any of the following uses or activities, nor shall any of the following take place within ten feet of any street right-of-way line:

- (1) Outdoor storage of materials, supplies, equipment, machinery, or wrecked or partially dismantled vehicles;
- (2) Outdoor display or sales area for vehicles or other products;
- (3) Loading or unloading areas for trucks and other vehicles.

No building or structure shall exceed a height of 65 feet. (See Article III for supplementary height regulations.)

### **Sec. 120-119. Additional requirements for adult businesses**

In addition to all other requirements, any adult business shall conform to the following requirements:

- (1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:
  - a. A residence;
  - b. A nursing home, assisted living facility, or similar institution;
  - c. An adult day care center;
  - d. A child day care center;
  - e. A public or private school, college or university;
  - f. A public park;
  - g. A public library, museum or cultural center;
  - h. A church or other place of worship;
  - i. A hotel, motel or boardinghouse;
  - j. Any other adult business.
- (2) Adult merchandise shall not be visible from any point outside the establishment.
- (3) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 120-6 of this Code.
- (4) The business shall not begin service to the public or any outside activity before 6:00 a.m. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 2:00 a.m. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business except an adult motel shall not extend after 12:00 midnight.

- (5) In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 120-6 of this Code, while on the premises.
- (6) Adult merchandise shall be located in a separate room or other area inaccessible to persons under 18 years of age.
- (7) All owners, managers, employees and entertainers shall be at least 18 years of age.
- (8) The owner or operator shall install, operate and maintain a security camera and video tape system designed by a security specialist. Surveillance cameras shall continuously monitor all entrances, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's patrons and their vehicles. Tapes recording activities in the areas under surveillance shall be preserved for a period of four months. Authorized representatives of the Radford Police Department or the Radford Planning Office shall have access to such tapes upon request.
- (9) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. "Adequate lighting" means sufficient lighting for clear visual and security camera surveillance.

## **DIVISION 15. FP FLOODPLAIN DISTRICT**

### **Sec. 120-120. Purpose.**

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (3) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or flood proofed against flooding and flood damage;
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

### **Sec. 120-121. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the City of Radford, Virginia and identified as being in the 100-year floodplain by the Federal Insurance Administration.

- (1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this division and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this division.
- (2) The degree of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge opening restricted by debris. This division does not imply that districts outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damage.
- (3) This division shall not create liability on the part of the City of Radford, Virginia or any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made there under.

**Sec. 120-122. Abrogation and greater restriction.**

The special regulations contained in this division regulating subdivision and/or development within the designated floodplain districts shall supersede and take precedence over any other ordinances or statutes as applied to land within such designated floodplain districts, except that any provisions of any other ordinances as related to land subdivision, development or use which are more restrictive than those contained in this division shall prevail.

**Sec. 120-123. Penalties.**

- (1) Any person who fails to comply with any of the requirements or provisions of this division or directions of the zoning administrator, building official or any other authorized employee of the City of Radford, Virginia shall be guilty of a misdemeanor of the first class and subject to the penalties therefore.
- (2) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this division. The imposition of a fine or penalty for any violations of, or noncompliance with, this division shall not excuse the violation or non compliance to permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this division may be declared by the city council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this division.

**Sec. 120-124. Basis of districts.**

The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the City of Radford prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated October 9, 1981, as amended, the boundaries of which are as shown on a map prepared by S.K. Anderson, Consulting Engineer, entitled "City of Radford, Topographic Base Map," sheets 1B, 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4C and 5A, shown as dated August 1, 1978, revised October 9, 1981.

**Sec. 120-125. Official floodplain districts map.**

The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map and the flood insurance rate maps which are declared to be a part of this chapter and which shall be kept on file at the City of Radford administrative offices.

**Sec. 120-126. Overlay concept.**

- (1) The floodplain districts and boundaries thereof as shown on the flood boundary and floodway map and the flood insurance rate map are intended to and shall overlap and be superimposed upon the other zoning districts established by this chapter and shown on the "Zoning District Map of the City of Radford, Virginia." The regulations and uses imposed and provided by this division shall be in addition and supplemental to and not in lieu of the zoning regulations applicable within the zoning districts shown on such zoning district map.
- (2) In the event of any conflict between permitted uses and regulations in any zoning district and those imposed for floodplain districts provided for and imposed by this division, the latter shall prevail unless the former are more restrictive. (See section 120-122)
- (3) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative action or judicial decision, the provisions of the underlying district shall remain applicable. (See section 120-124.)

**Sec. 120-127. Description of districts.**

- (1) *Floodway District (District FP-1)*. The Floodway District is delineated, for purposes of this division, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of the flood more than one foot at any point. The areas included in this district are specifically defined in tables in the above reference flood insurance study and shown on the accompanying flood boundary and floodway map or flood insurance rate map.
- (2) *Flood-Fringe District (District FP-2)*. The Flood-Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of the district shall be the 100-year flood evaluations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying flood boundary and floodway map or floodway insurance rate map.
- (3) *Approximated Floodplain District*. The Approximated Floodplain District shall be that floodplain area for which no delineated flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone Z on the maps accompanying the flood insurance study. For these areas, where 100-year flood elevations and floodway information from other federal, state or other acceptable information is not available, the elevation shall be determined by using the elevation of a point of the boundary of the identified floodplain area which is nearest the construction site.

### **Sec. 120-128. District boundary changes.**

The delineation of any of the floodplain districts may be revised by the city council where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

### **Sec. 120-129. Interpretation of district boundaries.**

Initial interpretation of the boundaries of any of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his, her or its case to the board and to submit technical evidence if desired.

### **Sec. 120-130. General provisions.**

- (1) *Permit requirement.* All uses, activities and development occurring within any floodplain district shall be undertaken within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, the city building code, and the subdivision ordinance of the City of Radford and other applicable regulations. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- (2) *Alterations or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the city, a permit shall be obtained from the U.S. Corps of Engineers, the Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

- (3) *Site plans and permit applications.* All applications for development in the floodplain districts and all building permits issued in the floodplain shall incorporate the following information:
- a. For structures to be elevated, the elevation of the lowest floor, including basement;
  - b. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed;
  - c. The elevation of the 100-year flood;
  - d. Topographic information showing existing and proposed ground elevations.
- (4) *Manufactured homes.* Manufactured homes that are placed or substantially improved on permitted sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) *Recreational vehicles.* Recreational vehicles placed on sites, if otherwise legally placed thereon, shall either:
- a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
  - b. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes under subsection (4) of this section.
- (6) A recreational vehicle shall be considered ready for highway use if it is on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, and has no permanently attached additions.

**Sec. 120-131. Floodway District (District FP-1).**

- (1) *No increase in 100-year flood elevation.* In the Floodway District no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in the 100-year flood elevation.

## **DIVISION 16. RFO RIVERFRONT CORRIDOR OVERLAY DISTRICT**

### **Sec. 120-132. Purpose.**

Pursuant to the general purposes of this chapter, the intent of the Riverfront Corridor Overlay District is to protect those areas of the City where human activities, left unrestricted, have a high potential for adversely impacting the environment and the safety and welfare of the public by accelerated soil erosion, reduced water quality, and generally inappropriate uses of land. The District includes lands which are included in the Radford Riverfront Plan. The Riverfront Corridor District is to promote and protect lands occupied by open space activities and minimal structural uses for specific purposes of providing recreation and open space uses, appropriate commercial, conservation of water and other natural resources, reducing soil erosion, reducing hazards from flood and for the production of food and fiber.

### **Sec. 120.133 Permitted uses and structures with an approved Site Plan.**

In addition to the uses permitted in the underlying Zoning Districts, the following uses and structures may be permitted in the Riverfront Corridor Overlay District, with an approved Site Plan.

- (1) Recreational support facilities, governmental, non-profit, or commercial.
- (2) Facilities support the basic purposes of the Riverway, boating, hiking and biking and driving for pleasure by providing services to enhance the visitor's experience. Every proposed use shall require a site plan to be approved by the Planning Commission for public facilities. Projects proposed by non-profit and commercial enterprises shall require a site plan along with a description of the business operations.
- (3) Itinerant Vendors

### **Sec. 120.134 Requirements of Site Plan**

The site plan shall be developed using provisions of Article VIII of this Chapter.

### **Sec. 120.135 Considerations for approval of a Site Plan**

Before approving the Site Plan, the Planning Commission and others reviewing the Site Plan shall find:

- (1) The proposed Site Plan meets with the intent of the district
- (2) The proposed Site Plan is in scale with the existing and planned developments
- (3) The proposed project will enhance the City's Riverway area and the visitor's Riverway experience

- (4) The proposed project supports the expansion of the tourism segment of the City's economy
- (5) The proposed project is of the design that compliments the Riverway and other support facilities
- (6) The proposer of the Site Plan shall show that the provisions of the FP (floodplain districts) are being met, including any required calculations
- (7) Parking requirements shall be calculated based upon a calculation of requirements for the mix of uses proposed in the Site Plan with appropriate allowances made for sharing of parking facilities based upon operational requirements.

**Sec. 120.136 Required yards.**

The following minimum yards (setbacks) shall be authorized for recreational support facilities:

1. *Front yard* – 20 feet
2. *Side yard* – 10 feet each side
3. *Rear yard* – 20 feet

**Sec. 120.137 Mix of Use Types**

An approved site plan may propose clustering of uses, as long as the maximum residential density does not exceed fourteen (14) units per acre.

**Sec. 120.138 Access and Circulation**

The circulation system shall be so designed to provide safe and convenient access to the uses proposed in the Site Plan and to the walkways, bikeways and other Riverfront facilities

**Sec. 120.139 Application Procedures and Contents**

The application procedures shall conform to Article XI of this chapter.

## **DIVISION 17. PUD PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS**

### **Sec. 120-140. Concept and purpose.**

- (1) *Concept.* Planned unit development (PUD) is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwelling, density, lot coverage and open space from that required in any residential district set forth in this chapter. An approved planned unit development shall be construed as an overlay district, and as such shall be superimposed over other zoning districts established by this chapter and shown on the official zoning district map, which districts shall be known as underlying districts.
  
- (2) *Purpose.* The purpose of this division is to establish procedures and standards for planned unit developments in order that one or more of the following objectives may be attained:
  - a. Flexibility in design to take the greatest advantage of natural land, trees, historical and other features;
  - b. Accumulation of large areas of usable open space for recreation, preservation of natural amenities and provision of community facilities;
  - c. Creation of a variety of residential/compatible neighborhood arrangements that give the home occupant greater choice in selecting types of environment and living units;
  - d. Clustering of one dwelling type for better use of land and open space, as long as the density does not exceed the allowed density in the underlying district;
  - e. Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the city;
  - f. Efficient use of land which may result in reduction in development and maintenance costs of street and utility systems;
  - g. Establishments of criteria for the inclusion of compatible associated uses to complement residential areas within the planned unit development;
  - h. Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the city of proposed land use, site consideration, lot and setback consideration, public needs and requirements, and health and safety factors.

**Sec. 120-141. Use regulations.**

- a. *Primary residential uses.* Single-family, single-family attached and multifamily dwelling units shall be permitted uses. No planned unit development shall be allowed which does not incorporate a variety of dwelling types; except that a one dwelling type planned unit development may be allowed if it does not exceed the density allowed in the district in which it lay immediately preceding its approval for planned unit development application.
- b. *Secondary nonresidential uses.* Nonresidential uses of a religious, public or semi-public, cultural, recreational or commercial character shall be permitted uses. Such nonresidential uses shall be compatible with and secondary to the primary residential use. No building devoted primarily to a commercial use shall be built or established prior to completion of the primary residential buildings. The total area of commercial development shall not exceed five percent of the gross area of the planned unit development. Commercial uses shall include only uses permitted in the B-1 Limited Business District, when the underlying district is a single-family or multifamily residential district.

**Sec. 120-142. Gross density.**

The gross density within a planned unit development shall be computed by dividing the total number of proposed dwelling units within the development by the total number of acres within the planned unit development site. The maximum gross density shall not exceed 14 units per acres unless higher density is allowed in the underlying district. Where one type of dwelling unit is involved, the density shall not exceed the allowed density in the underlying district.

**Sec. 120-143. Minimum size.**

A planned unit development which includes only one dwelling type shall contain a minimum of three contiguous acres of land. A planned unit development which includes a mix of dwelling types shall contain a minimum of 20 contiguous acres of land.

**Sec. 120-144. Development standards.**

- a. PUD with only one dwelling type.
  - (1) The gross density (units per acre) shall not exceed that which is permitted in the underlying district prior to the PUD approval.
  - (2) Minimum lot area requirements for single-family (unattached) dwellings shall be permitted to vary up to 25 percent from the requirements of the underlying district, as shown in the chart below. Lot area requirements for single-family attached dwellings shall be as set forth in the R-3 District.

<i>District</i>	<i>Minimum Lot Area (sq. feet)</i>
R-1	7,500
R-2	5,635
R-3	4,500

(3) Yards shall conform to the existing underlying district requirements. Required buffer yards shall not be used to satisfy normal yard requirements.

(4) Open space shall conform to the requirements of section 120-145 of this division.

*b. PUD with a mix of dwelling types*

(1) Minimum lot area requirements for single-family (unattached) dwellings may vary as set forth in subsection (a)(2) above. Lot area requirements for single-family attached dwellings shall be as set forth in the R-3 District.

(2) When the underlying district is R-1, R-2 or R-3 Single-Family Residential, the PUD shall be permitted to contain the following mix of units with the benchmarks established in subsection (b)(3) below.

- (a) Not less than 45 percent of the area shall be developed for single-family (unattached) dwelling units.
- (b) A maximum of 35 percent of the area may be developed for single-family attached units.
- (c) A maximum of 20 percent of the area may be developed for multifamily dwelling units.

(3) Bench marks for staging developments.

- (a) Upon completion of at least 44 percent of the authorized single-family (unattached) units, the developer shall be permitted to begin developing not more than 57 percent of the proposed attached units.
- (b) Upon completion of at least 66 percent of the authorized single-family (unattached) units, the developer shall be permitted to proceed with the remaining 33 percent of the attached units and begin up to 75 percent of the multifamily dwelling units.
- (c) Upon completion of 100 percent of the authorized single-family (unattached) units, the developer shall be permitted to proceed with the remaining 25 percent of the multifamily dwelling units.

(4) Open space shall conform to the requirements of section 120-145 of this division.

*c. Certain underlying district.* When a PUD is developed in an area with an underlying zoning district classification of R-4, R-5, B-2, B-3 or M-1, the developer shall not be

required to conform to any particular mix of units, provided that the requirements of section 120-143 and subsection (b)(1) of this section shall be met.

d. *Bufferyard requirements.*

- (1) A bufferyard may be required by the city council if deemed necessary to protect the existing residential or the proposed residential development from existing or proposed adjoining uses.
- (2) A bufferyard may be used for passive recreation, and may contain pedestrian or jogging trails, provided that no required or existing planted material is eliminated, and the total required width of the buffer is maintained. In no event, however, shall the following uses be permitted in a bufferyard: ice skating rinks, playfields, ski hills, stables, swimming pools or tennis courts.
- (3) Bufferyards shall remain in the ownership of the developer until such time as they may be conveyed to the development's property owners' association or nonprofit corporation which controls the common open space and recreation facilities in the development.

**Sec. 120-145. Usable open space and community facilities.**

- a. *Usable open space.* The total usable open space within a planned unit development shall be not less than 20 percent of the gross acreage of the planned unit development. Usable open space shall be as defined in Article I of this chapter, provided that not more than 25 percent of the required percentage of usable open space shall be in the form of water surfaces or wetlands, and land that slopes greater than 20 percent shall not be counted as usable open space.
- b. *Community facilities.* Recreation areas and facilities such as playgrounds, tennis courts, basketball courts, swimming pools and community buildings shall be provided which will meet the anticipated needs of the clientele that the planned unit development is designed to serve. Provision of separate adult and juvenile recreation areas is encouraged. At least one parcel designated for recreation use shall contain not less than 5,000 square feet. Additional recreational area of not less than 250 square feet shall be required for each acre over three within the PUD.

**Sec. 120-146. Utilities, services and easements.**

Structures within the planned unit development shall be connected to city water and sewer lines. All utility lines shall be placed underground, except for major electrical transmission lines. Adequate facilities for on and off-site drainage shall be provided, and adequate provision shall be made for utility and drainage easements.

**Sec. 120-147. Access and circulation.**

The circulation system shall be so designed as to provide for safe and convenient access to dwelling units, open space, community facilities and other nonresidential areas within the planned unit development. Principal vehicular access points shall be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle and pedestrian traffic. The internal circulation system shall be adequate for vehicular, bicycle and pedestrian movement and shall be designed to discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.

**Sec. 120-148. Application procedures and contents.**

- a. *Preapplication studies and conferences.* Prior to the formal submission of a proposed planned unit development, the developer or his or her representative shall hold a conference with the zoning administrator or his or her authorized agent concerning the proposed development plans and submit unofficial preliminary studies of the concept of the proposed development for tentative review, comment and recommendations.
- b. *Application.* After Preapplication review as set forth in subsection (a) of this section has been completed, the developer may make formal application for the planned unit development. The formal application shall be submitted to the planning commission only after the applicant has provided all the information as set forth in subsection (c) of this section.
- c. *Contents of proposed plans.* The following shall be the required information to be included in proposed plans for a planned unit development:
  - (1) A proposed land use plan showing the use of each lot, tract or parcel within the development;
  - (2) A proposed circulation plan showing circulation patterns of vehicular, pedestrian and other traffic;
  - (3) A plan showing community facilities and usable open space;
  - (4) A plat as required for preliminary plat approval Chapter 95 of this Code;
  - (5) A plan showing existing and proposed utilities and drainage and easements for such;
  - (6) A proposed site plan and landscape plan, including existing and proposed buildings and structures, existing trees with a caliper of eight inches or greater, proposed trees and landscaping, trees to be removed, topography with contour intervals of five feet or less, and other significant natural features;

- (7) Statistical or technical data as necessary to evaluate the total development, including but not limited to the following:
- (a) Amount of land proposed to be used for public or semi-public uses such as churches, schools, and similar uses;
  - (b) Amount of land proposed to be set aside for recreational use and community facilities;
  - (c) Amount of land proposed to be set aside for streets;
  - (d) Amount of land in the floodplain and unusable land within the project boundary;
  - (e) Extent and nature of projected traffic
  - (f) Proposed number of parking spaces per unit;
  - (g) Gross density of the planned unit development.
- (8) The name, title, and address of the planner, urban designer, architect or engineer who prepared the proposed plans.

**Sec. 120-149. Procedure for staged development.**

Nothing in this division shall prevent the development of a planned unit development in stages or sections, provided that the following conditions are met:

- (1) The proposed stages or sections shall be delineated on the plans for the planned unit development. The first stage of any PUD shall be based on the underlying zoning classification.
- (2) All data as required in section 120-145 for the project as a whole shall be given for each proposed stage or section.
- (3) Each stage or section of a planned unit development shall conform to the plans for the planned unit development as approved or amended.
- (4) The gross densities of individual stages or sections recorded shall not vary by more than ten percent of the gross density approved for the total development, provided that in no case shall the gross density of the development as a whole be permitted to exceed that which was approved.
- (5) Each stage or section shall provide a minimum of 20 percent of the gross site area of that stage or section as usable open space. The planning commission may authorize up to ten percent variation from the required percentage of usable open space in any stage or

section, so long as the total required percentage of usable open space for the planned unit development is met.

**Sec. 120-150. Review and approval process.**

- a. *Preliminary review.* No planned unit development shall be approved unless the plans for such shall have first been referred to:
  - (1) The zoning administrator or his or her designee, who shall advise the planning commission whether the design concept of the plan is in conformity with the requirements of this division; and whether the proposed land use, circulation and community facilities plans are in harmony with all applicable elements of the city's comprehensive plan; and whether the development in general is based on logical and sound principles of community planning and design;
  - (2) The director of public works or his or her designee, who shall advise the planning commission whether the utilities, drainage and other engineering features of the plan are in conformity with the relevant sections of this Code and in conformity with sound principles of engineering;
  - (3) The city attorney or his or her designee, who shall advise the planning commission whether the association or nonprofit corporation documents are in compliance with the relevant sections of state law and this Code;
  - (4) The traffic engineer or his or her designee, who shall advise the planning commission concerning the impact of the plan on surrounding public streets and traffic patterns.
- b. *Action by planning commission.* Every planned unit development shall be submitted to the planning commission for its review and recommendation prior to consideration by the city council. The planning commission shall review the plans and other information relative to the planned unit development and zoning application, if any, in relation to the purposes and requirements outlined in this division and elsewhere in this chapter, and shall conduct a public hearing after giving notice in accordance with Section 15.1-431 of the Code of Virginia, 1950, as amended. The commission shall forward its recommendation to the city council.
- c. *Action by city council.* After the city council has received the recommendation of the planning commission as required in subsection (b) of this section, and after giving public notice and holding a public hearing in accordance with the requirements of Section 15.1-431 of the Code of Virginia, 1950, as amended, the council shall approve or disapprove the proposed planned unit development. The council and the planning commission may hold a joint public hearing in accordance with the provisions of Section 15.1-431 of the Code of Virginia, 1950, as amended.

- d. *Conformity with approved plans.* After approval of a planned unit development, no building or structure shall be erected nor shall any building permit or other permit be issued nor shall any lots be sold from any plat nor shall any final plat be recorded, except in conformity with the approved plans for the planned unit development.
- e. *Designation on zoning map.* The area of an approved planned unit development shall be noted on the zoning district map until such time as the planned unit development may be terminated in accordance with the provisions of section 120-154 of this division.
- f. *Fee.* A fee of \$250.00 shall be charged for processing each planned unit development application. Such fee shall be paid to the city treasurer at the time of submittal of the application.

**Sec. 120-151. Amendment procedures.**

The owner, or his or her representative, of an approved planned unit development may apply for amendment of approved plans for the planned unit development with regard to the concept of the plans or minor details thereof, subject to the following.

- (1) In the case of a proposed change of concept, action by the planning commission and approval of council shall be required, and the proposed amendment shall be subject to the procedures set forth in sections 120-148 through 120-150 of this division. Changes of density, land use, land area, usable open space area, type of community facilities, type of housing, method of management of common land and facilities and overall design layout shall be considered to be changes of concept.
- (2) In the case of a proposed change of minor details, the zoning administrator may approve such changes upon being presented with a written request along with necessary graphic and statistical information. Changes in location and design of structures, streets, parking, community facilities, landscaping, open space and utilities shall be considered to be changes of minor detail.

**Sec. 120-152. Management of common spaces and facilities.**

- a. All common open space, properties and facilities shall be preserved for their intended purpose as expressed in the approved plan. The developer shall provide for the establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space, properties and facilities.
- b. All privately owned common space shall continue to conform to its intended use and remain as expressed in approved plans through the inclusion in all deeds of appropriate restrictions to ensure that common open space is permanently preserved according to the approved plans. Such deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

- c. All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at a proportionately equivalent or greater rate than the construction of residential structures. Non-compliance with this provision shall be cause for denial of further permits for development within the PUD.
- d. The nonprofit corporation or association established to own and maintain common open space, properties and facilities shall conform to the following requirements, and the developer shall obtain the approval of the city attorney as to acceptability of incorporation documents.
  - (1) The developer shall establish the association or nonprofit corporation prior to the final approval, recording and sale of any lot.
  - (2) Membership in the association or nonprofit corporation shall be mandatory for all owners within the planned unit development, and the association or corporation shall not discriminate in its members or shareholders.
  - (3) The association or nonprofit corporation documents shall set forth the purposes of the permanent organization under which common ownership is to be established, including; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the city; and the method of assessing the individual property for its share of the cost of administering and maintaining such common property.
  - (4) The incorporation documents shall set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

**Sec. 120-153. Ownership of development.**

All property in a planned unit development shall remain under single-entity ownership of a developer or a group of developers, and shall not be leased or sold unless provisions are made which ensure participation by the properties leased or sold in the retention and maintenance of common open space and community facilities in accordance with section 120-145 of this division. A certificate of compliance, indicating that such arrangements have been made, shall be issued by the zoning administrator prior to the sale or lease of the property by the developer. The zoning administrator shall not issue such certificate until he or she is satisfied that the provisions of this section are met.

**Sec. 120-154. Termination.**

- a. If the present or any future owner of the planned unit development does not comply with the approved plans for the planned unit development, and after certification of such to the city council by the zoning administrator, the remaining undeveloped property shall revert

to the underlying zoning classification and be subject to all requirements and restrictions of such underlying classification.

- b. If no development pursuant to an approved planned unit development has begun within two years after the date of approval of the planned unit development by the city council, the approved planned unit development shall become null and void, and the regulations of the underlying zoning district shall be applicable to the property.
- c. Prior to completion of a planned unit development, the owner of undeveloped portions of the planned unit development may file with the zoning administrator a certificate of intent to discontinue development of such undeveloped portions stating a date after such filing upon which such development shall be discontinued. The regulations of the underlying zoning district shall be applicable to such undeveloped property from the date specified in the certificate.

## **DIVISION 18. CHO – CLUSTER HOUSING OVERLAY.**

### **Sec. 120-155 Statement of intent.**

The Cluster Housing Overlay is created to encourage and allow flexibility in site design and lot arrangements for new single-family residential development in the City of Radford. This overlay allows a reduction in minimum lot size and frontage requirements from those required in the underlying single family residential zoning districts. All cluster lot size reductions must be compensated for by the provision of an equal or greater amount of open space within the cluster housing development.

### **Sec. 120-156. Permitted location and uses.**

1. The Cluster Housing Overlay may be requested as a zoning overlay for any land within the City of Radford zoned R-2 or R-3 Residential Single Family.
2. Single family detached and attached dwellings shall be permitted within the Cluster Housing Overlay provided that a site plan has been approved by the planning commission.

### **Sec. 120-157. Lot Requirements.**

Lot Requirements within Cluster Housing Overlay shall be as specified in the underlying zoning district, with the following exceptions:

1. *Minimum Development Size:* Two acre
2. *Minimum Lot Size:* 4,500 square feet
3. *Minimum Frontage:* 50 feet
4. *Minimum Setbacks:*
  - a. Front Yard: 15 feet
  - b. Side Yard: Five feet
  - c. Rear Yard: Ten feet
5. Front yards that are adjacent to an existing public street, shall have a setback as specified in the underlying zoning district.
6. Side and rear yards that are adjacent to existing residential development, shall have the side and rear setbacks as specified in the underlying zoning district.
7. *Open Space:* Minimum of 15 percent of development size, or one square foot of open space for each square foot of reduction in lot size below 9,000 square feet, whichever is greater.
8. Streets in a cluster housing overlay shall be public in accordance with VDOT and city standards.

### **Sec. 120-158. Approvals.**

Approval of a Cluster Housing Overlay shall be by special use permit as defined by Article IX of this chapter.

**ARTICLE III. SUPPLEMENTARY REGULATIONS**

## **DIVISION 1. APPLICABILITY**

### **Sec. 120-159. Applicability of Article.**

The regulations set forth in this article are additions or exceptions to, and qualify, supplement or modify, as the case may be, the regulations and requirements set forth in the district regulations contained in Article II of this chapter.

## **DIVISION 2. BUILDINGS AND LOTS**

### **Sec. 120-160. Location on a lot required.**

Every building or structure hereafter erected, constructed, reconstructed or moved and every use hereafter established shall be located on a lot of record as defined in Article I of this chapter.

### **Sec. 120-161. More than one main building on a lot.**

More than one main building containing a permitted principal use may be located on a single lot when all lot area, yard, open space, yard between buildings and other applicable requirements of the district in which such lot is situated are met, except that no main building containing a single-family dwelling or a duplex dwelling shall be located on a lot with any other main building.

### **Sec. 120-162. Public street frontage or access required.**

Every building or structure hereafter erected, constructed, reconstructed or moved and every use hereafter established shall be located on a lot having frontage on an improved public street or having access to an improved public street or having access to an improved public street by way of a private street or recorded easement which is of sufficient width and character to provide access for service and emergency vehicles and which is approved by the Planning Commission and City Council in accordance to Article VIII of this chapter pertaining to site plans or other specific provision of this chapter.

## **DIVISION 3. SUPPLEMENTARY YARD REGULATIONS**

### **Sec. 120-163. Exceptions to yard requirements.**

Except as provided in section 120-168 pertaining to visibility at intersections, the following may be located within required yards:

1. *Fences and walls:*
  - a. Fences and walls not exceeding four feet in height may be located within required front and street side yards.
  - b. Fences and walls not exceeding six and one-half feet in height may be located within required side and rear yards.
  - c. Fences and walls not specifically exempted by the provisions of this section shall be construed as structures, and shall be subject to all yard requirements.
2. *Temporary fencing* means fencing designated for particular uses for limited time. Construction fencing is allowed during the construction on a lot but not to be considered permanent fencing. This type of fencing must be removed within two (2) months of construction completion. Fencing for protection against blowing snow (snow fencing) is allowed from November 1 until March 31 of the immediately following year (no more than 4 ½ months) but is not considered permanent.
3. *Yard accessories.* Poles, posts, similar customary yard accessories and ornaments, and permitted signs for which no specific yard requirement is specified elsewhere in this chapter, may be located within required yards.

### **Sec. 120-164. Permitted Projections into required yards.**

- (1) *Certain architectural features.* Sills, belt courses, eaves, normal roof overhangs, chimneys, pilasters and similar architectural features of building may project into required yard at a depth no greater than eighteen (18) inches and a width no greater than thirty (30) inches..
- (2) *Uncovered porches, steps, etc.* Uncovered porches, steps, landings, patios, decks and other similar building features may project not more than six feet into required yards, provided that such features do not exceed a height of 30 inches above the adjacent natural ground level, and provided that no such projection shall extend closer than two feet from any lot line. Covered building projections, and projections exceeding 30 inches in height shall be subject to all yard requirements.

**Sec. 120-165. Yards on corner lots and through lots.**

- (1) *Front and street side yards on corner lots.* On a corner lot in any district in which a front yard is required, a front yard shall be provided along at least one street frontage, and street side yard of not less than the side yard requirement in the district, and in no case less than 15 feet, shall be provided along all other street frontages, provided that:
  - a. There shall be a front yard along any street frontage opposite the principal entrance to a dwelling use;
  - b. There shall be a front yard along the frontage on any street along which a front yard is required for an adjacent lot. The depth of such front yard shall be not less than the minimum required front yard on the adjacent lot or the actual front yard provided on the adjacent lot, whichever is less. For the purposes of this provision, an adjacent lot shall be deemed to be a lot which abuts or lies directly across an alley from the lot in question and which had frontage along the same street as the lot in question.
- (2) *Rear yards on corner lots.* Where more than one front yard is required on a corner lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required. On a corner lot in the B-3 Central Business District, a rear yard as required in the district shall be provided opposite the lot frontage with the least dimension.
- (3) *Front yards on through lots.* On through lots, there shall be a front yard as required in the district along each street frontage, and no rear yard shall be required.

**Sec. 120-166. Yards along streets less than 50 feet in width.**

The required front yards and streets side yards set forth in the district regulations and elsewhere in this article are applicable adjacent to public streets having a right-of-way width of 50 feet or greater. The required depth of any front yard or street side yard along a public street having a right-of-way of less than 50 feet in width shall be increased by 25 feet from that which is stated in the district regulations or elsewhere in this article, and shall be measured from the centerline of the street right-of-way instead of from the right-of-way line.

**Sec. 120-167. Yards for swimming pools and tennis courts.**

Swimming pools, pool deck areas and tennis courts shall not be located within required front and side yards. A swimming pool, pool deck area or tennis court situated within 50 feet of adjacent property in a Conservation or Residential District shall be screened from view from such property by solid fencing or evergreen vegetative material not less than six feet in height.

**Sec. 120-168. Visibility at intersections.**

On a corner lot in any district other than a B-3 Central Business District or an Industrial District, nothing that would materially obstruct the vision of operators of motor vehicles shall be erected, placed, planted or allowed to grow between the heights of 30 inches and 8 feet above the grade of the intersection of the centerlines of the adjacent intersecting streets within the following described area:

A triangular shaped area on the ground bounded on two sides by the street lines abutting the lot, and bounded on the third side by a line joining points on said street lines 25 feet from the point of their intersection.

The purpose of this provision is to prohibit the planting of shrubbery or low trees or the construction of solid fences, walls or other structures that would block the visibility of on-coming vehicles to motorists at a street intersection. This provision shall not be applicable to public utility poles, official street signs, fire hydrants and other appurtenances, installed by a governmental agency for public safety purposes, or to tree trunks which do not materially impair visibility.

## **DIVISION 4. SUPPLEMENTARY HEIGHT REGULATIONS**

### **Sec. 120-169. Exceptions to height regulations.**

The height regulations set forth in this chapter shall not apply to church spires, belfries, cupolas, antennae, cooling towers, ventilators, chimneys, flues, solar energy equipment or similar appurtenances or mechanical structures attached to a building and not intended for human occupancy and containing no signs or other advertising matter.

The height of permitted public buildings, churches (including church spires and belfries), broadcast and communication towers, windmills, water towers and fire towers may exceed the maximum height limit applicable in the district in which they are located or forty-eight (48) feet, whichever is lower, provided that all required yards are increased a minimum of one foot for each one foot of building or structure height in excess of the height limit applicable in the district.

## **DIVISION 5. ACCESSORY BUILDINGS AND TEMPORARY BUILDINGS**

### **Sec. 120-170. Location and use of accessory buildings.**

An accessory building shall be located on the same lot as the main building to which it is accessory, and the use of an accessory building shall be limited to purposes incidental and subordinate to the use of the main building on the lot.

### **Sec. 120-171. Dwelling use prohibited.**

No accessory building shall be used for dwelling purposes except by domestic employees or caretakers whose principal occupation is rendering services on the premises for benefit of persons who occupy or use the main building on the lot.

### **Sec. 120-172. Permits and relation to main building.**

No accessory building shall be constructed or located on a lot until a building permit has been obtained, and no permanent accessory building shall be constructed until a permit for construction of the main building has been issued. No permanent accessory building shall be used, except for temporary storage or materials related to construction on the premises, until the main building is completed and a certificate of use and occupancy is issued.

### **Sec. 120-173. Yards for accessory buildings.**

- (1) *Yard requirements applicable.* Except as provided in this section, no accessory building shall be located within any yard required for the main building on the lot.
- (2) *Location in rear yard.* A building accessory to a single-family, single-family attached or duplex dwelling and not exceeding 12 feet in height may be located within a required rear yard, but not within five feet of any lot line.
- (3) *Location in side yard.* A building accessory to a single-family, single-family attached or duplex dwelling and not exceeding 12 feet in height may be located within a required side yard, other than a required street side yard, but not within five feet of any lot line.  
An accessory building attached to another accessory building on an adjoining lot shall not be subject to a side yard requirement along the intervening lot line.

### **Sec. 120-174. Height of accessory buildings.**

Subject to the provisions of section 120-169, no accessory building shall exceed the height of the main building located on the lot, nor shall any accessory building exceed the maximum permitted height in the district in which it is located.

## DIVISION 6. MISCELLANEOUS PROVISIONS

### Sec. 120-175. Recreational vehicle park regulations.

- (1) *Area and density.* Recreational vehicle parks shall contain not less than two acres in area. The maximum density within a recreational vehicle park shall not exceed 20 spaces per gross acre.
- (2) *Recreational vehicle spaces.* Individual recreational vehicle spaces shall be not less than 1,000 square feet in area and shall have dimensions of not less than 20 feet by 50 feet. Each space shall have frontage on a private roadway improved in accordance with applicable standards.
- (3) *Yard, separation and buffer requirements.* The following yard, separation and buffer requirements shall be applicable to recreational vehicle parks.
  - a. Individual recreational vehicle spaces shall be located not less than 20 feet from public street rights-of-way and exterior boundaries of the park
  - b. No recreational vehicle shall be located within ten feet of another recreational vehicle or any roadway or structure within the park.
  - c. A landscaped buffer area of not less than 20 feet in width shall be provided adjacent to all exterior boundaries of a recreational vehicle park. Such buffer area shall not be occupied by any recreational vehicle space, building, structure, parking area, improved area for active recreation purposes, or roadway other than an approved means of access to an abutting public street. Along exterior boundaries abutting properties other than public streets, such buffer area shall include continuous opaque fencing or evergreen vegetative material not less than six feet in height with no openings to adjoining privately owned properties.
- (4) *Recreation area.* Every recreational vehicle park shall include within its boundaries areas for indoor and outdoor recreation facilities for common use by occupants of the park. Such areas shall in the aggregate consist of not less than 5,000 square feet, plus 100 square feet for each recreational vehicle space in excess of 20 spaces within the park. Recreation areas shall be suitably improved and maintained for active or passive recreation use, and may include space within activities buildings and facilities such as playgrounds, parks, swimming pools, game courts and similar facilities, but shall not include any area devoted to individual recreational vehicles spaces, parking areas or utility, maintenance or management facilities.

- (5) *Improvements and general requirements.* The following improvement requirements and other general requirements shall be applicable to recreational vehicle parks.
- a. *Street frontage.* Every recreational vehicle park shall have frontage on and access to an improved public street.
  - b. *Roadway improvements.* All roadways within a recreational vehicle park shall be paved with dust-free, all-weather hard surface material such as asphalt, asphalt and gravel seal coat, concrete, unit pavers or similar material approved by the zoning administrator. The width of roadways shall conform to the standards for access aisle dimensions set forth in Article IV of this chapter.
  - c. *Utilities.* Every recreational vehicle park shall be served by public sewer and water facilities and storm drainage facilities installed in accordance with utility and storm drainage plans submitted with the site plan and approved in conjunction therewith.
  - d. *Refuse facilities.* Refuse containers of adequate capacity to meet the needs of all recreational vehicle spaces and common facilities shall be provided for the deposit and collection of refuse, and shall be so located or screened as not to be visible from public streets or adjoining properties.
  - e. *Delineation of spaces.* Each recreational vehicle space shall be clearly defined with permanent markers at each corner and shall be identified with the space number as shown on the approved plans.
  - f. *Compliance with applicable state laws.* Recreational vehicle parks shall be developed and maintained in accordance with the requirements of the Virginia Uniform Statewide Building code, the Virginia Campground Regulations and other applicable state laws.

**Sec. 120-176. Satellite dishes.**

No satellite dishes shall be located in any required front yard, street side yard or side yard or any lot in a Conservation or Residential District.

**Sec. 120-177. Outdoor lighting.**

Outdoor lighting, when provided as accessory to any use or to illuminate any sign or similar device, shall be located, directed or shielded so as not to shine directly on nearby properties or to create a potential traffic hazard on adjacent streets as a result of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles. The exterior of a building, structure or portion thereof shall not be illuminated by outlining such with lights, except for temporary seasonal decoration purposes and except for purposes of illumination of display windows of retail stores and shops and restaurants.

## **DIVISION 7 LANDSCAPING, SCREENING AND BUFFER AREAS.**

### **Sec. 120-178. Purpose**

The purpose of these requirements is to enhance the appearance and natural beauty of the city and to protect property values through preservation and planting of vegetation, screening and landscaping material. The requirements are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; to prevent the erosion of soil and the excessive runoff of water and the consequent depletion of the groundwater table and pollution of water bodies.

The provisions of this section shall apply to all new development and changes of use, other than single-family detached. The provisions of Subsections D and E shall not apply to areas within the boundary known as the "Central Business District"

### **Sec. 120-179. General provisions.**

- (1) Landscaping, trees and plant material shall be planted in a growing condition, according to accepted horticultural practices, and they shall be maintained in a healthy growing condition. Any landscaping, trees and plant material in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season.
- (2) A screening fence or wall area shall be maintained by the property owner, in good condition, throughout the period of the use of the lot.
- (3) To the extent possible, existing trees, vegetation and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
- (4) Trees shall be a minimum of six to eight feet in height, with a minimum circumference of 3.50 inches, immediately after planting. Trees shall reach an expected height of 25 to 35 feet at maturity. Trees shall be planted 25 to 35 feet on center depending on species.
- (5) Evergreen trees shall be a minimum of six feet in height immediately after planting.
- (6) Shrubs and hedges shall be a minimum of one to two feet in height immediately after planting.
- (7) Ground cover may include any plant material that reaches an average height of not more than 12 inches. Alternative materials may be used in lieu of grass, provided that they present a finished appearance and provide reasonably complete coverage at the time of planting.
- (8) Plants that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low branching trees should be avoided.

- (9) Where lot size, shape, topography or existing structures make it not feasible to comply with the provisions of this section, the Zoning Administrator may modify these provisions, provided that the alternate proposal will afford a degree of landscaping, screening and buffering equivalent to or exceeding the requirements of these regulations.

**Sec. 120-180. Front landscaped area.**

A front landscaped area shall be required for all duplex, multifamily and nonresidential uses. The required landscape area shall be contiguous to the front lot line of the property and have an average minimum width of 10 feet. The area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one tree and 10 shrubs shall be planted within the front landscaped area *for* each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use of the lot but not to negate access or screen the use from view.

**Sec. 120-181. Buffer area.**

A buffer area shall be required to separate and screen incompatible land uses from each other. A buffer area shall be required along all boundaries of a duplex, multifamily or a nonresidential lot abutting a less intensive use. Such buffer shall comply with the following minimum standards.

- (1) A buffer area shall be located within the boundaries of the subject property. The buffer may be located on abutting property, provided that the owners of all abutting properties agree in writing to the proposal. Agreement must provide stipulations for maintenance and upkeep, as deemed necessary.

- (2) The minimum width of the buffer area shall be as outlined in Table 1 below:

Table 1: Buffer Area Matrix

<u>Proposed Use</u> →	Single Family (feet)	Mobile Home Park	Duplex (feet)	Office (feet)	Commercial (feet)	Multi-Family (feet)
↓ <u>Adjacent Use</u>						
Single-Family	---	15	---	---	---	---
Duplex	5	10	---	---	---	---
Office	5	10	---	---	---	---
Commercial	15	5	10	5	---	---
Multi-Family	15	10	10	5	---	---
Industrial	25	15	20	15	10	10

- (3) The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the neighboring area. At a minimum, the planting shall consist of two trees and 10 shrubs per 100 linear feet for five- to ten-foot buffers, five trees and 15 shrubs per 100 linear feet for fifteen- to twenty-foot buffers and eight trees and 20 shrubs per 100 linear feet for twenty-five-foot buffers.

- (4) An earthen berm, fence or wall of a location, height, design and material approved by the Zoning Administrator may be substituted for any portion of the required planting and/or buffer area. Fences and walls, if substituted, shall be constructed of materials congruous with the materials of the main building. Trees and shrubs shall supplement earthen berms, fences or wall areas.

**Sec. 120-182. Landscaped main parking area.**

- (1) Parking areas shall comply with the following minimum standards.
  - (a) A landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a minimum width of five feet and shall be planted with two trees and 10 shrubs per 100 linear feet of perimeter area.
  - (b) Landscaped areas shall be provided at the ends of parking aisles and shall be planted with shrubs and/or trees.
  - (c) The required number of parking spaces may be reduced by one parking space for each 180 square feet of interior planting area, greenspace or bikeway/walkway trail, not exceeding 10%.
- (2) Parking areas with 100 or more parking spaces shall comply with following minimum standards.
  - (a) All uses required to have 100 or more off-street parking spaces shall have at least five square feet of interior landscaping within the paved portion of the parking area for each parking space and at least one tree for every 25 parking spaces or fraction thereof.
  - (b) Each interior landscaped area shall contain a minimum of 180 square feet and shall be planted with shrubs and trees.
  - (c) A landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a *minimum* width of five feet and shall be planted with two trees and 10 shrubs per 100 linear feet of perimeter area.
  - (d) Interior landscaped area shall be spaced throughout the lot to reduce the visual impact of long rows of parked cars. At a minimum, landscaped areas shall be distributed approximately once every 25 spaces.
  - (e) Landscaped areas shall be provided at the ends of parking aisles and shall be planted with shrubs and/or trees.
  - (f) The required number of parking spaces may be reduced by one parking space for each 180 square feet of interior planting area, not to exceed 10%.

**Sec. 120-183. Screening of outdoor storage areas and storage buildings.**

- (1) Outdoor storage areas in industrial zones shall be screened from view of all residentially zoned land by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six feet in height within two years of installation.
- (2) Outdoor storage areas in business zones shall be screened from view of adjacent streets and from all residentially zoned land by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six feet in height within two years of installation.
- (3) Enclosed outside storage buildings of more than 1,000 square feet located in residential zones shall be screened by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six feet in height within two years of installation.

**Sec. 120-184. Screening / buffer requirements for manufactured home parks.**

The following yard, separation and buffer requirements shall be applicable to manufactured home parks.

- (1) Individual manufactured home spaces shall be located not less than 25 feet from public street rights-of-way and all exterior boundaries of the manufactured home park.
- (2) No manufactured home shall be located within 15 feet of any other manufactured home or any roadway, common parking area or outdoor recreation area.
- (3) No building or structure intended for recreation, maintenance, management, utility or other common use within a manufactured home park shall be located within 20 feet of any manufactured home space or any roadway intended for general circulation within the manufactured home park.
- (4) A landscaped buffer area of not less than 25 feet in width shall be provided adjacent to all exterior boundaries of a manufactured home park. Such buffer area shall not be occupied by any manufactured home space, building, structure, parking area, improved area for active recreation purposes or roadway other than an approved means of access to an abutting public street. Along exterior boundaries abutting properties shall include continuous opaque fencing or evergreen vegetative material no less than six feet in height with no openings to adjoining privately owned properties.

**Sec. 120-185. Screening mechanical equipment.**

All nonresidential uses shall screen from the view of public places and neighboring properties all mechanical equipment, such as, but not limited to, ground or mounted air conditioning units and pumps, through the use of features such as berms, fences, false facades or dense landscaping compatible with the site.

**Sec. 120-186. Central solid waste storage area.**

All new buildings and uses except for single-family and duplex dwellings shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of the building they shall be screened from the adjacent property by an enclosure constructed of materials congruous with the materials on the exterior wall of the main buildings or must meet requirements of City Code Section 44-27.

**Sec. 120-187. Unoccupied lot areas**

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees, shrubbery or mulch.

**Sec. 120-188. Planting list.**

Radford “*Signature Trees*” include: Red October Maple, Sourwood, Eastern redbud and Foster Holly. It is encouraged that proposed development make use of these trees as often as possible. The following trees and shrubs by way of example but not by way of limitation are suitable for use in the Radford area.

(1) Large trees (mature height 35 feet or greater and 35 feet spacing):

Willow oak	Tulip poplar
Sugar maple	Black gum
Red October Maple	Littleleaf linden
Scarlet oak	White oak
Pin oak	Japanese scholar tree
Southern magnolia	Gingko
London plane tree	English oak
River birch	Japanese katsuratree
Japanese zelkova	Schumard oak
Chinese elm	

(2) Medium trees (mature height 25 to 35 feet and 30 feet spacing):

Mountain silverbell	Weeping cherry
Sourwood	Kwansan cherry
Thornless honeylocust	Yellowwood
Eastern redbud	Ironwood
Mountain ash	Pistachio
Yoshino cherry	Redwood linden
Golden rain tree	American holly
Saucer magnolia	

(3) Small trees (mature height less than 25 feet and 25 feet spacing):

Japanese maple	Crabapple
Japanese dogwood	Amur maple
Flowering dogwood	Russian olive
Smoketree	Star magnolia
Crepe myrtle	

(4) Shrubs (mature height approximately 36 inches):

(a) *Evergreen*

Warty barberry	Mugo pine
Dwarf burford holly	Juniper
Japanese holly	Euonymous
Azalea	Leatherleaf viburnum
Foster Holly	

(b) *Deciduous*

Forsythia	Potentilla
Dwarf burning bush	Ornamental grass varieties
Thunberg spires	Oregonholly grape
Viburnum	Red chokeberry
Oakleaf hydrangea	Nandina
Japanese flowering quince	Dwarf nandina

(5) Screening plants (installation height six feet):

American holly	Hetz juniper
Burford holly	Arborvitae
Nellie stevens holly	Eastern red cedar
Wax myrtle	Japanese black pine

**Sec. 120-189. Performance of Obligations; Developer's Tentative Plan for Performance; Written Agreement; Security for Performance**

1. Developer's tentative plan for performing obligations.

The developer shall file with his preliminary plat a written statement setting forth tentatively the manner in which he proposes to perform the obligations imposed upon him by this chapter. Contemporaneously with the approval of the preliminary plat, the agent and the Zoning Administrator shall specify the performance to be required of the developer and the obligations which the developer must assume. Such specifications accompanying the approval of the preliminary plat shall not constitute a binding legal obligation upon either party, but it shall constitute a general plan, as accurate as can then be determined, for the physical improvement of the subdivision and the extension of utilities therein.

## 2. Written agreement.

Contemporaneously with the approval of the final plat by the city council, or as a condition to such approval, the developer shall cause to be prepared a proposed written agreement which specifies expressly and with particularity the obligations of the parties with respect to the subdivision's development, which shall be subject to the approval of and modification by the city attorney. The agreement, as approved by the city attorney, shall be executed by the developer and presented to the city council for its approval and execution on behalf of the city. In the event the city council determines that full compliance with the obligations imposed by this chapter should be waived, the council shall have discretion to prescribe which of the obligations imposed by this chapter shall be waived and which shall be performed by the city, the developer or both. The agreement shall clearly set forth those obligations to be performed in the future and the time within which they shall be performed. This and all parts of the agreement shall constitute a valid and binding contract for the mutual benefit of the parties and of future owners of an interest in land within the subdivision.

The agreement shall be in a form as prescribed by the city council. It shall be executed by the developer in proper person and by the mayor of the city, with the city's seal affixed and attested by the clerk, and acknowledged by both parties as deeds are required to be acknowledged. The agreement shall be presented to the clerk of the circuit court for recordation contemporaneously with the final plat, and there shall be appropriate notations of record providing a cross reference between the plat and the agreement to the end that the provisions of one document shall give notice to the public of the provisions of the other. The cost of preparing and recording the agreement shall be borne by the developer.

## 3. Security for performance.

To assure the performance of such future obligation by the developer, he, she or it shall deposit with the city treasurer a sum of money equal to the cost of such performance, estimated as accurately as possible by the council and refundable if the agreement is fully performed by the developer. In lieu of the deposit of money, the developer may file with the city clerk an irrevocable letter of credit upon a banking institution approved by the city attorney, guaranteeing the payment to the city of an amount up to the sum of the estimated cost upon demand by the city manager which states that the agreement has been violated without any other conditions for payment. In lieu of either of the foregoing, the developer may submit to the agent a performance bond, in form approved by the city attorney, guaranteeing the performance of the developer's obligations and full payment of the costs therefore.

The irrevocable letter of credit, or the performance bond, as the case may be, shall be payable to the City of Radford. The bond shall be executed by the developer and shall have such surety approved by the agent. If an irrevocable letter of credit is tendered, the same shall be in such form as the city attorney approves, and shall be issued by an approved financial institution and executed on behalf of such institution by a duly authorized official. Compliance with the terms of this section shall be affirmatively set forth in the agreement required by section 18-23 of City Code.

Upon completion of performance of all obligations and acceptance thereof by the city, the city and the developer shall execute written evidence of such performance, which shall be executed, acknowledged and recorded in the same manner as the written agreement above mentioned. Such writing and acceptance shall be deemed to be an absolute conveyance by the developer to the city of all easements and utilities installed therein; provided, however, that the city attorney may require further or other deeds or conveyances of the same.

## **DIVISION 8. COMMUNICATIONS TOWERS AND ANTENNAS**

### **Sec. 120-190. Preamble; statement of purpose.**

The purpose of this division is to establish general guidelines for the siting of communications towers and antennas. The goals of this division are to:

- (1) Protect towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the community;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently, but with due regard for the public health, welfare and safety; and,
- (8) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, due consideration must be accorded to the city's master plan, zoning map, existing land uses and environmentally sensitive areas in considering and acting upon requests for sites for the location of towers and antennas. The division is intended to comply with all applicable, federal and state regulations and statutes.

### **Sec. 120-191. Definitions.**

As used in this division, the following terms shall have meanings set forth below:

*Alternative tower structure* means clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

*Backhaul network* means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Height* means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

*New tower* means any tower for which an applicant has sought a permit hereunder and/or any tower the use of which has been abandoned or discontinued for a period of 90 days or as to which the intended use would create a different structural load.

*Pre-existing towers and pre-existing antennas* means any tower or antenna in being and in use prior to the effective date of this division, and for those for which a building or special use permit has been issued prior to the effective date of this division, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*Tower*" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and support thereto and may be referred to as a "tower structure."

#### **Sec. 120-192. Applicability.**

- a) *All towers and antennas.* All towers or antennas in the City of Radford shall be subject to these requirements and regulations unless exempted as a pre-existing tower or antenna or otherwise expressly provided in this section.
- b) *Amateur radio station operators/receive only antennas.* This division shall not govern any tower, or the installation of any antenna, that is (1) under 50 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for "receive only" antennas.
- c) *Pre-existing towers or antennas.* Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this division, other than the requirements of section 120-193(f) and (g).
- d) *AM array.* For purposes of implementing this division, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

#### **Sec. 120-193. General requirements and permitted uses.**

- a) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

- b) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, design, and existing use and available capacity of each tower. The zoning administrator may share such information with other applicants applying for approvals or special use permits under this division or other organizations seeking to locate antennas within the jurisdiction of the city provided, however, that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d) *Aesthetics.* Towers and antennas shall meet the following requirements as related to aesthetics, provided, however, that the city may waive any of these requirements if it determines that the goals of this division are better served thereby:
  - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, nonreflective color with no logos.
  - (2) At a tower or antenna site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings or structures.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- e) *Advertisement.* No advertisement of any type may be placed on any tower, or on any accompanying facility, unless as part of refurbishing an existing sign. In no event shall any sign or advertisement be placed on any part or portion of any tower.
- f) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- g) *State or federal requirements.* All towers must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring

such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless an earlier compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulation shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- h) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and regulations and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes, regulations and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes, regulations and standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- i) *Measurement.* For purposes of measurement, tower setbacks and separate distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
- j) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this division and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- k) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the zoning administrator.
- l) *Public notice.* For purposes of this division, any special use request, variance request, or appeal of an approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Table 2 of section 120-197(1)(b), in addition to any notice otherwise required by the Zoning Ordinance. Such notice shall be given at least 14 and not more than 20 calendar days prior to any public hearing before the planning commission or city council. The cost of any such notice or the publication thereof shall be borne by the applicant.
- m) *Signs.* No signs shall be allowed on an antenna or tower.
- n) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 120-200.

- o) *Multiple antenna/tower plan.* The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- p) *Permitted uses.* The uses contemplated by this division of Article III of this chapter of the Radford City Code are applicable to and shall be exercised only in conformity with the requirement of this division and only in the following zoning districts:
  - B-1 Limited Business District;
  - B-2 General Business District;
  - B-3 Central Business District;
  - M-1 Restricted Industrial District;
  - M-2 General Industrial District.

**Sec. 120-194. Applications; administrative review.**

- a) The applicant for a building permit for the erection or placement of any tower or antenna shall provide a copy of the building permit application to the zoning administrator. Unless the information is already contained in the building permit application, the applicant shall also provide to the zoning administrator a scaled plan and scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The zoning administrator may require other information found necessary to assess compliance with this division of Article III. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site.
- b) The applicant shall provide to the zoning administrator a copy of its co-location policy, and shall provide written assurance that co-location of antennas or signaling equipment shall be permitted on the structure on a reasonable basis by other qualified users; provided, however, that a commitment for co-location shall not be required if co-location would interfere with the signals of the applicant or other users.
- c) The zoning administrator shall approve or disapprove the application as soon as practicable, and in any event within ten business days after filing of the application. If the zoning administrator disapproves the application, the applicant may appeal first to the city manager (who must respond within ten days after filing) and if disapproval of the application is upheld, to the city council. Failure of the zoning administrator or city manager to respond within the period stated herein shall be deemed to be an approval. The city council, if the matter is appealed to it, may act at any regular or special meeting after the appeal is filed with the city clerk but in any event within 60 days of such filing. The action of the city council shall be final. "Filing" for the purpose of this subparagraph shall mean receipt by the zoning administrator, the city manager and/or the city clerk, as the case may be.

- d) This division contemplates uses of towers and antennas subject to approval by the zoning administrator and consistent with the requirements for location herein specified, i.e.:
- (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or business zoning district.
  - (2) Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.
  - (3) *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the zoning administrator as an accessory use to any commercial or industrial structure, provided that:
    1. The antenna does not extend more than 30 feet above the highest point of the structure;
    2. The antenna complies with all applicable FCC and FAA regulations; and
    3. The antenna complies with all applicable building codes.
    - a) *The antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the zoning administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one signal carrier or user on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
      1. A tower which is modified to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the zoning administrator allows reconstruction as a monopole.
      2. Height.
        - i. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's original height, to accommodate the co-location of an additional antenna.
        - ii. The height change referred to in Subsection ii(a) may only occur one time per tower.
        - iii. No modification in height shall occur if the additional height referred to in subsection 2.i. results in an additional distance separation as set forth in section 120-197. For the purpose of this subparagraph, the tower's remodification height shall be used to calculate any such additional distance separations.
- (e) *New towers; engineer's certification; height restriction.* New towers shall require a certification from a licensed professional engineer that the tower can structurally accommodate the number of shared users proposed by the applicant and a written determination by the zoning administrator that the tower is in conformity with the goals set forth in the preamble to this Division 8 of Article III and the requirements of section 120-191 and section 120-192 and other applicable requirements of this division. Any new tower also must satisfy the set back and separation distances required hereby and meet the following height and usage criteria:

- (1) For a single user, up to 90 feet in height;
- (2) For two users, up to 120 feet in height; and
- (3) For three or more users, up to 150 feet in height.

**Sec. 120-195. Availability of existing towers or other structures.**

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the zoning administrator that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
- b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**Sec. 120-196. Setbacks.**

The following setback requirements shall apply to all towers for which a special use permit is required, provided, however, that the planning commission may reduce the standard setback requirements if the goal of this division would be better served thereby:

- a) Towers must be set back a distance equal to at least 100 percent of the height of the tower from any adjoining lot line or line of any public utility easement. In addition, the set back must be such that should the tower collapse or fall in any direction it could not fall upon any improvement or cross any lot line or easement line.
- b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

**Sec. 120-197. Separation.**

The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the planning commission may reduce the standard separation requirements if the goals of this division would be better served thereby.

1. *Separation distances.*

- a. Tower separation shall be measured from the base of the tower to the lot line of the on-site uses and/or designated areas as specified in Table 2, except as otherwise provided in Table 2.
- b. Separation requirements for towers shall comply with the minimum standards established in Table 2.

Table 2: Tower Separation Distance

On-Site Use	Separation Distance
Single-family or duplex residential units and/or modular homes and mobile homes used for living purposes	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	200 feet or 300% height of tower whichever is greater
Vacant unplatted residentially zoned lands	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 300% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	Subject to the provisions of Section 120-195 above

(2) *Separation distances between towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 3.

Table 3: Existing Towers Types

	Lattice	Guyed	Monopole 75 feet in Height or Greater	Monopole Less Than 75 feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Feet in Height	750	750	750	750

**Sec. 120-198. Security fencing.**

Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the planning commission may waive such requirements, as it deems appropriate.

### **Sec. 120-199. Landscaping.**

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the planning commission may waive such requirements if the goals of this division would be better served thereby:

- a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound (including support buildings) from adjacent property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the tower compound.
- b) In locations where in the determination of the planning commission, the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the planning commission may determine the natural growth around the property perimeter may be sufficient buffer.

### **Sec. 120-200. Buildings or other equipment storage.**

- a) *Equipment, storage cabinets and/or storage structures mounted on structures or rooftops.* Any equipment, storage cabinet or storage structure used in association with antennas shall comply with the following:
  1. If the equipment, storage cabinet or storage structure is located on the roof of a building, it shall not occupy more than 25 percent of the roof area, and shall not increase the total height of the existing structure by more than 50 percent.
  2. Equipment, storage cabinets and storage structures shall comply with all applicable building codes.
- b) *Equipment, storage cabinets and/or storage structures located on towers.* Unmanned equipment, storage cabinets or storage structures used in association with antennas shall not be larger than or consist of more than 100 cubic feet and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

### **Sec. 120-201. Removal of abandoned antennas and towers.**

Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the city notifying the owner of such removal request. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Nothing in this section shall be deemed to limit the city's recourse (legal or otherwise) against the owner of any such abandoned antenna or tower for removal of such antenna or tower. Any cost incurred by the

city in removing such abandoned antenna or tower or in pursuing any other remedy for such removal shall constitute a lien on the real estate of the owner of said antenna or tower.

**Sec. 120-202. Nonconforming uses.**

- a. *Towers and antennas installed under division not expansion of nonconforming use.* Towers that are constructed and antennas that are installed, in accordance with the provisions of this Division shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. *Pre-existing towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this division.
- c. *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding the foregoing, bona fide nonconforming towers or antennas that are destroyed or damaged may be rebuilt or restored, provided; however, that (1) the type, height and location of the tower onsite shall be of the same type and general design as the original facility; and (2) any building permit to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damage or destroyed. If no permit is obtained or if the said permit expires, the tower or antenna shall be deemed abandoned as specified in section 120-201.

**Sec. 120-203. Failure to erect tower or antenna.**

If an applicant fails to erect, construct or install a tower or antenna within 12 months of the date the application is approved, the permits to do so shall stand revoked.

**Sec. 120-204. Severability; terms take precedence over conflicting provisions; effective dates.**

- a. The various parts, sections and clauses of this division are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the division shall not be affected thereby.
- b. The terms and provisions of this division shall, as concerning or relating to the subject matter hereof, take precedence over any other terms and provisions of this Chapter 120, Radford City Code, which may be in conflict herewith.

## **DIVISION 9. HOME OCCUPATIONS**

Home occupation means any occupation, profession, enterprise or similar activity conducted within a dwelling unit which is the residence of the practitioner, or conducted within an accessory building located on the same lot and clearly incidental to such dwelling unit. In order to qualify as a home occupation, an activity described herein must be clearly secondary to the principal dwelling use of the premises and must meet all of the following criteria, which are intended to distinguish such activity from other business uses:

### **Sec. 120-205. Additional Requirements of Home Occupations.**

- (1) Not more than 25 percent of the floor area of the main building shall be devoted to such activity, and in no case more than a total 400 square feet on any premises;
- (2) No one other than a member of the family residing on the premises shall be employed on the premises in the conduct of the activity;
- (3) There shall be no signs, other than one non-illuminated sign not exceeding two square feet in area attached to the building, and no displays or alterations to the exterior of the building that would distinguish it as being devoted to any non-dwelling use;
- (4) There shall be no group instruction or assembly, no housing of persons for compensation, no repair of vehicles and no product offered for sale or stored other than that which is incidental to a service rendered directly by a person on the premises; and;
- (5) No mechanical equipment or machinery shall be used in the conduct of the activity that produces noise, smoke, odor, vibration or other effect discernable beyond the property lines.

## **DIVISION 10. BED AND BREAKFAST ESTABLISHMENTS**

Bed and Breakfast service shall be defined as the provision of money or other things of value for occasional overnight accommodations and meals to guests in private dwellings. The following are requirements under this DIVISION:

### **Sec. 120-206. Additional Requirements of Bed and Breakfast Establishments.**

- (1) The intent is to afford a means of allowing, by special use permit, owners of single-family detached units to earn income by providing a bed-and-breakfast service while retaining the appearance of a single-family unit.
- (2) No more than eight guest sleeping rooms shall be utilized for any one bed-and-breakfast service. No cooking shall be allowed in guest rooms. Breakfast shall be the only meal served to guests. Owners of swelling units housing a bed-and-breakfast service shall keep a log of the names, addresses, number in party and dates of stay of each adult guest and unaccompanied minor guest. This log may be reviewed by, and on demand shall be temporarily given to, the city in an annual review process to ascertain intensity of the use and effect on the neighborhood of the bed-and-breakfast service.
- (3) One sign shall be permitted, with a size limit of two (2) square feet on roads with a speed limit of thirty (30) miles per hour or less and six (6) square feet on roads with a speed limit greater than 30 miles per hour. Internally illuminated signs are not permitted. Externally illuminated signs shall meet requirements set forth in Article V of this chapter.
- (4) No bed-and-breakfast service shall be approved or continued in a dwelling unit where persons other than the owner or operator and his/her family are living or in a dwelling unit other than a detached single-family unit.
- (5) Structures shall not be altered in a way that changes its general residential appearance.
- (6) No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit and necessary site plan.
- (7) A minimum of one (1) parking spaces shall be provided for each guest bedroom and two (2) spaces for the owner's portion of the dwelling.
- (8) The Zoning Administrator shall annually review the bed-and-breakfast service for consistency with this chapter. The Planning Commission and the City Council specifically reserves the right to revoke the special use permit on a finding after notice and hearing that such use has become inconsistent with this chapter.

## **DIVISION 11. ADULT USES**

### **Sec. 120-207. Additional Requirements for Adult Uses.**

In addition to all other requirements, any adult business shall conform to the following requirements:

- (1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:
  - a. A residence;
  - b. A nursing home, assisted living facility, or similar institution;
  - c. An adult day care center;
  - d. A child day care center;
  - e. A public or private school, college or university;
  - f. A public park;
  - g. A public library, museum or cultural center;
  - h. A church or other place of worship;
  - i. A hotel, motel or boardinghouse;
  - j. Any other adult business.
- (2) Adult merchandise shall not be visible from any point outside the establishment.
- (3) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 120-6 of this Code.
- (4) The business shall not begin service to the public or any outside activity before 6:00 a.m. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 2:00 a.m. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business except an adult motel shall not extend after 12:00 midnight.
- (5) In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 120-6 of this Code, while on the premises.
- (6) Adult merchandise shall be located in a separate room or other area inaccessible to persons under 18 years of age.
- (7) All owners, managers, employees and entertainers shall be at least 18 years of age.

- (8) The owner or operator shall install, operate and maintain a security camera and video tape system designed by a security specialist. Surveillance cameras shall continuously monitor all entrances, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's patrons and their vehicles. Tapes recording activities in the areas under surveillance shall be preserved for a period of four months. Authorized representatives of the Radford Police Department or the Radford Planning Office shall have access to such tapes upon request.
  
- (9) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. "Adequate lighting" means sufficient lighting for clear visual and security camera surveillance.

## **DIVISION 12. TOWNHOUSE REGULATIONS**

### **Sec. 120-208. Intent of Regulations**

The following minimum standards are established in recognition that common-wall single family dwellings on individual lots of record are a viable housing alternative to conventional detached single-family dwellings. These standards are intended to allow flexibility in unit arrangements, unit size and yard space, thereby allowing the creation of efficient and economical housing arrangements.

### **Sec. 120-209. General Standards:**

1. Applicants for townhouse developments shall submit a site plan in accordance with section 120-260 of this chapter. The submitted site plan shall be approved by the city prior to commencing development of the site. A final subdivision plat pursuant to the provisions of the Radford Subdivision Ordinance shall be approved prior to the sale of any townhouse lot.
2. The minimum development size for any townhouse development shall be 15,000 square feet. The maximum density of any townhouse development shall be ten dwelling units per acre.
3. All townhouse developments shall be served by public water and sewer.
4. Contiguous townhouse groupings shall contain a minimum of three units and a maximum of 12 units.
5. The facades of contiguous townhouses shall be varied by staggered front yards and variations in design and materials. No more than four abutting townhouses shall have the same front yard setback and the same architectural treatment of facades and roof lines. The front yard stagger, when required, shall be a minimum of two feet.
6. There shall be no minimum lot size for individual townhouse lots. However, each townhouse lot shall be of sufficient size and dimension to comply with the unit width and yard requirements of this section.
7. The minimum lot/unit width for any townhouse shall be 16 feet.
8. The minimum front yard setback, for any townhouse fronting on a public street shall be as specified in Article II, District Regulations.
9. When practical, all townhouses shall be arranged such that only the front or side of any unit shall face a public street. If site characteristics require that the backs of townhouses face a public street, then vegetative screening and shall be required per

the provisions of this chapter. Such vegetative screening shall not be located in the required rear yard of any townhouse unit.

10. The minimum front yard setback for any townhouse unit fronting on any private drive, parking area, walkway or open space area intended for the common use of townhouse occupants shall be a minimum of 15 feet.
11. In addition to any buffer yard requirements as specified in Article II of this chapter, the minimum side yard for any contiguous townhouse grouping adjacent to property outside the townhouse development shall be 25 feet. Where a grouping of townhouses adjoins a private drive, parking area or walkway intended for the common use of the townhouse occupants, a side yard of not less than ten feet shall be provided.
12. There shall be a minimum rear yard of 25 feet for any townhouse unit.
13. A minimum 25-foot separation shall be provided between groupings of townhouse units. This minimum separation may be reduced to 20 feet if both facing walls contain no windows, doors or balconies, or the corners of adjacent buildings are at right angles to one another.
14. Required yards shall be free of all physical improvements except for the following:
  - a. Pedestrian walkways and sidewalks.
  - b. Privacy fences in rear yards.
  - c. Accessory buildings in rear yards. No accessory building shall exceed 100 square feet in size.
  - d. driveways and parking
15. The maximum height of any townhouse unit shall be three stories or 45 feet
16. A homeowner's association shall be created for each townhouse development. The homeowner's association shall be responsible for the perpetual maintenance of all open space and common areas within the townhouse development.

**ARTICLE IV. OFF-STREET PARKING**

## **DIVISION 1. REQUIRED SPACES**

### **Sec. 120-210. Number of spaces required.**

(1) *Generally.* Except as provided in paragraph (1) of this section, the minimum number of off-street parking spaces required for particular uses located in any district shall be as set forth in the following schedule. The minimum number of off-street parking spaces required for a use not specifically listed in the schedule shall be as required for the most similar use listed as determined by the zoning administrator.

**TABLE 4: PARKING REQUIREMENTS BY USE**

	<b>USE</b>	<b>NUMBER OF SPACES</b>
1	Single Family Dwelling R4 District	2 per dwelling unit
2	Single Family Dwelling Other districts	2 per dwelling unit
3	Single family attached dwelling In R-4 District	1 per bedroom for 1,2 and 3 bedrooms, plus 1.3 per bedroom in excess of 3 bedrooms
4	Single family attached dwelling R-5 District	2 per dwelling unit
5	Duplex dwelling unit R-4 District	1 per bedroom for 1,2, and 3 bedrooms, plus 1.3 per bedroom in excess of 3 bedrooms
6	Duplex dwelling unit R-5 District	2 per dwelling
7	Multifamily Dwelling R-4 District	1.2 per bedroom for 1,2, and 3 bedrooms, plus 1.3 per bedroom in excess of 3 bedrooms
8	Multifamily Dwelling R-5 District	1.2 per bedroom
9	Manufactured Home	As per R-MH District
10	Lodging house; tourist home;	1 per bedroom hotel; motel; bed and breakfast; devoted to lodging, lodging unit in a single family plus 2 per dwelling unit on the premises
11	Bed-and-breakfast (R-2 and R-3)	1 per guest bedroom, plus additional 2 for owner's portion of dwelling
12	Fraternity or sorority house	1.5 per bedroom
13	Nursing home	1 per 4 beds
14	Hospital	1 per bed
15	Child care center	1 per 5 children enrolled
16	Assembly or meeting facility; including church, theater, auditorium, stadium or funeral home	1 per 4 seats within the public assembly area
17	Display or exhibit facility, including exhibit hall, museum, library or art gallery	1 per 100 sq. ft. of public space
18	Education facility, including public or private school or college	1 per 300 sq. ft. of teaching space
19	Indoor recreation facility, including swimming pool, skating rink, club, lodge or recreation center	1 per 100 sq. ft. usable recreation or social floor area
20	Outdoor recreation facility, including swimming pool or skating rink	1 per 150 sq. ft. of usable and improved recreation area
21	Indoor or outdoor court game facility, including tennis basketball or handball	1 per 2 players based on court capacity
22	Miniature golf course/Driving Range	1 per hole or per tee
23	Golf course	2 per hole
24	Bowling alley	4 per lane
25	Office, administrative or professional; travel agency	1 per 250 sq. ft. of gross floor area
26	Bank or savings and loan office	1 per 200 sq. feet of floor area, plus waiting space for 5 vehicles per drive-up teller station
27	Retail store or shop not otherwise listed herein	1 per 200 sq. ft. of sales floor area for the first 5000 sq. ft., plus 1 per each additional 350 sq. feet
28	Furniture, hardware, appliance, building materials and supplies store; wholesale business; repair	1 per 500 sq. ft. of floor area open to the public, plus 1 per 2 employees
29	Personal service establishment, including barber shop, beauty salon, laundromat, dance studio, fitness center, dry cleaning or home video rental store	1 per 200 sq. ft. of gross floor area
30	Restaurant, including fast food establishment café; nightclub; amusement center	1 per 45 sq. ft. of floor area open to the public, plus 5 waiting spaces per drive-up window
31	Auto service center; service station; auto or truck-repair or repair	5, plus 2 service bay, plus waiting space at pump islands as required by site plan
32	Self-service or automatic auto wash	3 per washing bay, plus waiting space as required by site plan or Special Use Permit
33	Shopping center	4 per 1,000 sq. ft. of gross floor area
34	Manufacturing, processing, or fabricating plant; laundry; dairy; research laboratory warehouse; truck terminal	1 per employee per assigned shift, plus 1 per vehicle used in conjunction therewith, plus 2 customer spaces

(2) *Requirements in the B-1 District.* In the B-1 Limited Business District, the number of required off-street parking spaces determined by application of the provisions of paragraph (1) of this section shall be reduced by 40 percent for each individual use, other than a dwelling use or tourist home, occupying not more than 1,500 square feet of floor area. The purpose of such reduction in parking requirements is to reflect typically lower demand for off-street parking spaces generated by small business in B-1 Districts due to walk-in trade and proximity of such districts to residential areas.

**Sec. 120-211. Method of determining number of spaces.**

For purposes of determining the number of off-street parking spaces required for a particular use, the following rules shall apply.

1. Gross floor area shall include the area of the floor space devoted to the use, including space used for incidental purposes related thereto, and shall be measured along exterior faces of enclosing walls or partitions or, in the case of attached buildings or abutting spaces within the same buildings devoted to different uses, shall be measured along the centerlines of common walls or partitions.
2. Number of employees or staff shall be construed as the maximum number of persons employed on any working shift.
3. When computation of required number of spaces results in a fractional number, the required number of spaces shall be the next whole number.
4. When a building or premises is devoted to more than one use, the total number of spaces required shall be the sum of the spaces required for each use.
5. Required off-street parking spaces may be provided within garages, carports or enclosed building space when the provision of this article pertaining to dimensions and accessibility of spaces are met.

**Sec. 120-212. Changes in building or use.**

(1) *Changes subject to new requirements.* Any change made in any building or use, including a change in the number of bedrooms, shall result in a new off-street parking requirement for such building or use as determined by application of the provisions of section 120-210 of this article to the building or use after the change. In any case where application of the provisions of section 120-210 result in a greater number of spaces shall be provided in accordance with all applicable provisions of this article, except as provided in paragraph (2) of this section.

- (2) *Nonconforming number of spaces.* Whenever the number of off-street parking spaces provided for a building or use, other than a dwelling use, is nonconforming, any change made in such building or use so that the number of off-street parking spaces required by section 120-210 after the change is greater than the number of spaces required by application of said section before the change, then not less than the number of spaces required for that increase shall be provided in addition to the number of spaces provided prior to the change. The purpose of this provision is to preserve any nonconforming right that may have existed prior to any change in a building or a non-dwelling use, but to require such additional parking as may be necessitated by the change.

**Sec. 120-213. Location of required parking spaces.**

Required off-street parking spaces shall be located on the same lot or development site as the use for which they are required, provided that parking spaces required for uses other than dwelling uses, lodginghouses, tourist homes, child care centers and motels may be located off the premises when all of the following conditions are met.

1. *Compliance with use regulations.* The parking area within which such parking spaces are provided shall comply with the use regulations and all other requirements of the district in which it is located.
2. *Distance from use to be served.* All such parking spaces shall be located within 300 feet, by normal pedestrian route, of a principal entrance to the building devoted to the use they serve.
3. *Credit for municipal parking facilities.* In the B-3 Central Business District, no off-street parking shall be required for uses other than dwelling uses, lodginghouses, tourist homes, child care centers and motels, when the building devoted to any such use is located within 600 feet, by normal pedestrian route, of a public off-street parking facility owned or operated by the city.
4. *Ownership or control required.* The property on which such parking spaces are located shall be under the same ownership or control as the property on which the use to be served is located. At any time the use of the property for parking purposes is to be discontinued, the zoning administrator shall be given at least 30 days' notice thereof in writing, and unless the parking spaces are no longer required by the provisions of this article, such spaces shall be provided elsewhere in compliance with this article. Failure to provide the required number of spaces in accordance with the provisions of this chapter shall be cause for revocation of the zoning permit for use in question.

## **DIVISION 2 STANDARDS**

### **Sec. 120-214. Parking space dimensions and overhang areas.**

- (1) *Maximum dimensions.* Required off-street parking spaces shall be not less than nine feet in width and 18 feet in length, except that spaces arranged parallel to their means of access shall be not less than eight feet in width and 12 feet in length. The width and length of parking spaces shall be measured perpendicular to one another so as to form a rectangle with dimensions as required herein. Parking spaces required to be accessible to handicapped persons by the provisions of the Virginia Uniform Statewide Building Code shall comply with the requirements of that Code.
- (2) *Allowance for vehicle overhang area.* Up to 30 inches of the required length of off-street parking spaces may be provided as vehicle overhang area and need not be paved, provided that wheel stops are installed. Such overhang area shall be clear of any obstruction to vehicles utilizing the parking space or required access aisle onto any public right-of-way, adjacent property, pedestrian walkway or required yard area within which parking is not permitted. Such overhang area shall be considered as part of the parking space of purposes of calculating usable open space when required for any use by the provisions of this chapter.

### **Sec. 120-215. Access and maneuvering space: general criteria.**

All required off-street parking spaces shall be provided with access and maneuvering space meeting the following criteria.

- (1) *Driveway or access aisle.* Each required off-street parking space shall be provided with a driveway or common access aisle directly serving such space and of sufficient dimensions to enable vehicles to maneuver into and out of such space without encroaching into another parking space or extending beyond the designated driveway or access aisle area.
- (2) *Obstruction of streets prohibited.* No area devoted to parking or access thereto shall be designed, operated or maintained so as to cause any public street, alley or sidewalk area to be obstructed by vehicles entering, leaving or maneuvering within such parking area. Maneuvering space of sufficient arrangement and dimensions shall be provided within parking areas in order to avoid such obstruction.

### **Sec. 120-216. Access aisle dimensions.**

The minimum dimensions of access aisles serving required off-street parking spaces for uses other than, single-family and duplex dwellings shall be as set forth in the following schedule, provided that greater widths may be required by the fire marshal where necessary for purposes of fire access to buildings. Aisle widths for parking arrangements not listed shall be determined by the zoning administrator based on the nearest arrangement listed.

TABLE 5: PARKING AISLE DIMENSIONS

Arrangement of Parking	Aisle Width: Two-Way Traffic (feet)	Aisle Width: One-Way Traffic (Feet)
90 degree	24	24
60 degree	24	20
45 degree	24	15
30 degree	24	12
parallel	24	12

**Sec. 120-217. Driveways and curb cuts.**

The location and design of all curb cuts and entrance and exit driveways connecting with public streets shall conform to the standards of the Virginia Department of Transportation and shall be approved by the city engineer. Where such standards are not applicable, the following shall apply.

- (1) *Minimum driveway width.* Driveways intended to accommodate two-way traffic shall be not less than 24 feet in width at the property line, and driveways intended to accommodate one-way traffic shall be not less than 16 feet in width at the property line; provided that greater width may be required when deemed necessary by the city engineer to ensure safe and convenient ingress and egress to avoid obstruction of the public street by vehicles entering or leaving a site.
- (2) *Maximum driveway width.* No driveway shall exceed 50 feet in width at the property line or 60 feet in width at the curb line. For lots containing a single-family detached dwelling or a two-family dwelling, no area that is improved for parking or driveway access to parking may exceed eighteen (18) feet in width.
- (3) *Distance from street intersections.* No driveway connecting with a public street shall be located closer than 25 feet from the right-of-way of another street intersecting the street to which the driveway connects.
- (4) *Distance between driveways.* Separation of not less than 20 feet shall be provided between all driveways.
- (5) *Joint driveways.* Joint driveways serving abutting properties shall be permitted if, in the judgment of the zoning administrator and the city engineer, such arrangement will enhance safety and circulation and both property owners are in agreement with such.

## **DIVISION 3. IMPROVEMENT REQUIREMENTS**

### **Sec. 120-218. Paving, drainage and delineation of spaces.**

- (1) *Paving required for three or more spaces.* Parking areas containing three or more parking spaces required by the provisions of this article and all entrances thereto and exits therefrom, shall be paved with dust-free, all-weather hard surface material such as asphalt, asphalt and gravel seal coat, concrete, unit pavers or similar material approved by the zoning administrator. Parking spaces shall be delineated by markings on the pavement surface.
- (2) *Exemption for certain parking areas.* The requirements of paragraph (1) of this section shall not apply to parking areas serving churches and other public and semi-public uses which, in the judgment of the zoning administrator, involve intermittent, infrequent or non-daily parking use, provided that sufficient improvements are made to ensure that the parking area is usable and that proper access and drainage are provided.
- (3) *Drainage and grades.* All parking areas shall be designed and constructed with respect to drainage so as to prevent damage to abutting properties and public streets. No finished grade within any parking area shall exceed ten percent.
- (4) *Delineation of parking areas.* Wheel stops, curbs, walls, fences, shrubbery or other means shall be provided along the edges of parking areas where necessary to prevent parked vehicles from encroaching onto adjacent properties or into public streets and alleys, required yards or public walkways within or adjacent to the site.

### **Sec. 120-219. Parking in yards adjacent to streets.**

Off-street parking spaces and access aisles serving off-street parking spaces shall be prohibited in certain yard areas adjacent to streets as set forth in the section. These restrictions shall not be construed to prohibit driveways from the street when such driveways are approved by the appropriate authority.

- (1) *For lots containing a single-family detached dwelling or a two-family dwelling, parking may be located within any yard, provided that in a front yard, no area that is improved for parking or driveway access to parking may exceed (18) feet in width, or a total area equal to more than twenty-five (25) percent of the front yard, whichever is greater. Single family attached dwellings with two-car garages may not exceed 18 feet in width and can exceed the twenty-five (25) percent front yard requirement if the amount of lot coverage exceeded is replaced with green space within the property.*
- (2) *For lots containing a single-family attached dwelling, parking may be located within any yard, provided that in a front yard, no area that is improved for parking or driveway access to parking may exceed nine (9) feet in width, or a total area equal to more than twenty-five(25) percent of the front yard, whichever is greater. For lots containing*

*townhouse dwellings parking for individual dwellings may be located under the unit(s) served by such parking.*

- (3) *In other districts.* In districts refer to Landscaping Section 120-180.
- (4) *Parking/Storage of Recreational Vehicles.* The parking of all recreational vehicles shall not be within the required front yard or required street side yard.

**Sec. 120-220. Screening and landscaping.**

Screening of parking areas and landscaping of yards adjacent to parking areas shall be provided in accordance with the standards set forth in Division VII of Article III of this chapter.

**Sec. 120-221. Lighting.**

Adequate lighting shall be provided for off-street parking areas containing five or more spaces which are intended to be used by the general public at night. Lighting shall be designed and installed in such a manner as to concentrate illumination within the parking area and to prevent glare on adjoining properties and public streets.

**ARTICLE V. SIGN REGULATIONS**

## DIVISION 1. APPLICABILITY AND DEFINITIONS

### Sec. 120-222. Purpose.

The purpose of this Article is to regulate the use of exterior signs so that the following goals can be achieved:

- To protect the health, safety and welfare of the community.
- To equitably distribute the privilege of using the public environs to communicate private information.
- To safeguard the public use and nature of the streets and sidewalks.
- To protect and enhance the visual environment of the city.
- To prevent the diminishing of property values within the city.
- To minimize visual distractions to motorists using the public streets.

### Sec. 120-223. Definitions.

(1) As used in this chapter, the following terms shall have the meanings indicated:

*Sign* — Any structure or device or part represented on a building or structure, or included any letter, work, banner, decoration, device or representation used as, or which is in the nature of, any announcement, direction, advertisement directing service, excluding soft drink, snack and ice machines. A “sign” designed to be seen from two (2) opposite directions shall be considered as one (1) sign, provided that the two (2) sign faces shall not be more than forty-two (42) inches apart, if parallel, or form an angle of more than sixty degrees (60°) in angular sequence.

(2) Sign categories shall be defined as follows:

*Advertising Sign* - A sign, including a billboard, which directs attention to a business, commodity, activity, service or product not conducted, sold or offered upon the premises where it is located.

*Billboard* - An off-premises sign which directs attention to the approximate location or advertisement of a business.

*Bulletin Board* - Any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution for the purpose of announcing events which are held on the premises.

*Business Sign*- A sign which directs attention to a business, profession, commodity, service, activity or entertainment sold or offered upon the premises where such sign is located or to which it is attached. Such a sign may contain a commercial or noncommercial message.

*Directional Sign* - A sign directing traffic on private property but bearing no advertising matter.

*Freestanding Sign* - A sign erected which is wholly independent of any building for support. All such signs must be permanently affixed to or constructed upon the lot where they are located.

*Greek Organization Sign* is any sign, flag, banner or other object used to identify a Greek organization (fraternity, sorority, or club).

*Home Occupation Sign* - A sign permitted in association within an occupation conducted on the premises within a dwelling unit occupied by the operator of the business.

*Identification Sign* - A permanent on-premises sign announcing the name of a subdivision, group housing project, church, school, park, shopping center, industrial park, public area or similar type use.

*Location Sign* - an off-premise sign which directs attention to the approximate location of a church, school or other nonprofit institution. "Location signs" may be freestanding and may be located within the public right-of-way, provided that written permission is obtained from the Administrator. Only one (1) "location" sign per establishment is permitted.

*Nonconforming Sign* - A sign existing before the effective date of the amendment of this chapter, which could not be built under the terms of this chapter.

*Political Signs.* A political sign shall be permitted up to a total sign area of eight (8) square feet for each premises in a residential district and thirty-two (32) square feet in a commercial or industrial district (except the Central Business District). These signs shall be confined within private property and shall not encroach into the public right-of-way. These signs may be displayed sixty (60) days prior to and seven (7) days after the election for which intended. In cases 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 seven (7) days after the final election.

*Portable Sign* - A sign mounted on wheels or runners that is not designed for permanent use and can be moved easily by the release of nails, bolts, clamps, etc.

*Projected Sign* - A sign which is attached perpendicular to a building wall, roof, facade, canopy, marquee or porch by means of brackets, hooks or chains and the like, and which may extend out or down no more than eighteen (18) inches.

*Public Service Sign* - A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event, when conducted by or for the benefit of any civic, religious, educational or charitable cause, provided that the sign shall be displayed no longer than fourteen (14) days per calendar year.

*Real Estate Sign* - A sign displayed for the purpose of offering for sale, lease or rent the property on which any such sign is displayed.

*Roof Sign* - Any sign which is erected, constructed, placed or maintained on or above the roof of any building.

*Street Graphics* - A form of art, such as but not limited to murals and sculptures, that shall not constitute any type of outdoor advertising of a commercial message.

*Temporary Sign* - An attached on-premises sign applying to a seasonal or brief activity, such as but not limited to summer camps, horse shows, sales, promotions and auctions.

## **DIVISION 2. GENERAL SIGN PROVISIONS**

### **Sec. 120-224. Exclusions.**

The following shall be deemed to be excluded from the regulations of this Article:

- (1) Official governmental signs, such as but not limited to traffic or similar regulatory signs.
- (2) Identification signs, not to exceed six (6) square feet in surface area, bearing only addresses or names of occupants of the premises and located on privately owned property.
- (3) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, and the location of public telephones, public entrances, freight entrances or the like, provided that such signs do not exceed a total surface area of three (3) square feet per sign on any lot or parcel.
- (4) Yard sale signs and the like, provided that such signs shall not be attached in any way to utility poles, meter posts or trees within any public street right-of-way. No person shall put up any notice upon any building, wall, fence or other property of another person without having first obtained the consent of the owner or lessee of such property. The maximum time limit for the display of such signs is three (3) consecutive days.
- (5) Signs on the inside of store windows, except those signs specified in Sec. 120-127C and H. which shall not be so excluded.
- (6) "No trespassing." "No dumping." "No parking." "Towing" and other similar signs not exceeding two (2) square feet.

### **Sec. 120-225. Prohibited signs.**

The following signs are prohibited in the city:

- (1) Portable signs.
- (2) A sign which imitates or approximates an official highway sign or carries the word STOP or DANGER, or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information.
- (3) A sign which displays flashing or intermittent lights or lights of changing degrees of intensity; however, time and weather informational signs, traffic signals, railroad crossing signals and other official warning or regulatory signs are excluded.
- (4) A sign which obstructs any window or door opening used as a means of egress or which

prevents free passage from one part of a roof to any other part thereof, and a sign which interferes with an opening required for ventilation.

- (5) A sign in a public right-of-way that interferes with the use of that right-of-way. Any sign existing or allowed in a public right-of-way may be ordered removed by the Administrator upon thirty (30) days' notice if the use of that right-of-way is changed to require the sign's removal or if the public right-of-way is to be used for any public purposes inconsistent with the existence of the sign.
- (6) A sign or illumination that causes any glare into or upon any building or land other than the building and land to which the sign is necessary.
- (7) A sign that violates any provision of any federal or state law relative to outdoor advertising.
- (8) Billboards.
- (9) Signs which project more than eighteen (18) inches over any publicly maintained sidewalk.
- (10) Any nonconforming sign that advertises a business which is no longer operating at that site.

**Sec. 120-226. Sign permits.**

- (1) No sign that was not in existence and in place on the date of amendment of this chapter shall hereafter be displayed, and no sign existing on that date shall be enlarged, relocated, changed or modified until a sign permit for the same has been obtained in accordance with this section and all applicable regulations of the Administrator. The maintenance, repair or restoration of nonconforming signs must be in accordance with Sec. 120-130B under a permit issued in accordance with this section.
- (2) Every application for such permit shall include a sketch of the property, indicating the exact area, size, structures, design, location, color, lighting and materials for the proposed signs on the property.
- (3) Fees for sign permits shall be as fixed from time to time by the governing body.
- (4) 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 sixty (60) days.

**Sec. 120-227. Temporary signs.**

The following signs shall be permitted anywhere within the city and require a permit without fee:

- (1) Sales and special events signs, which shall be removed within three (3) days after the

event and adhere to the following requirements:

- a. Each sign is to be thirty-two (32) square feet or less in area.
  - b. Each sign is an attached on-premises sign.
  - c. Such sign is displayed no more than fourteen (14) consecutive days.
  - d. No person may display temporary signs more than five (5) times per calendar year.
  - e. Regardless of the status of the conformity of all other on-premises signs, one (1) temporary sign shall be allowed.
- (2) Signs used for construction on or the development of a lot will be allowed as the basis of one (1) sign per contractor, not more than twelve (12) square feet in area, or one (1) sign, not exceeding one hundred (100) square feet in area, giving the names of the contractors, engineers and architects. These signs are to be allowed only during the time such construction or development is actually in progress.
- (3) Pennants and streamers without advertising may be displayed simultaneously with temporary signs, but at no other time.
- (4) Street banners advertising a public entertainment or event, if specially approved by the City Manager and only for locations designated by the City Manager, during and for fourteen (14) days before and several days after such event.

**Sec. 120-228. Nonconforming signs.**

- (1) Except where otherwise provided, in cases where signs existing as of the date of the amending of this chapter exceed the total allowable sign area for the subject parcel, no additional signs shall be permitted thereon.
- (2) All nonconforming signs may be maintained and repainted but shall not be maintained in such a manner as to increase the degree of nonconformity. A nonconformity sign may be repaired, provided that it had not been damaged in excess of fifty percent (50%) of its replacement value. The procedure for determining the percentage of damage will be determined by requiring the owner to obtain quotes from a sign company on the cost to replace and the cost to repair the sign. Any freestanding nonconforming sign which does not exceed current requirements for height, size or setback by more than fifty percent (50%) may be modified so long as the proposed modification brings the nonconforming sign into conformity with the provisions of this Article in terms of size, height or setback. A permit shall be required for the repair or modification of any nonconforming sign.
- (3) Upon vacating all premises, the tenant or, in his absence, the owner shall remove all

nonconforming signs, sign supports and attendant hardware.

- (4) Owners of nonconforming signs must register these signs with the Administrator within three (3) months of the amendment of this chapter or remove the sign.

**Sec. 120-229. Damaged or unsafe signs.**

The Administrator shall require the immediate repair or removal of any sign or sign structure which has been damaged or has deteriorated so as to become a public hazard. Such a sign or sign structure may be restored to its original condition within thirty (30) days of the order to remove the hazard, and if the sign is nonconforming, such restoration shall be in accordance with Sec. 120-130.

**Sec. 120-230. Permitted signs generally.**

Signs shall be permitted which are in accordance with:

- (1) The general provisions of this chapter.
- (2) The district sign regulations of this chapter for the district in which such signs are located.
- (3) All applicable provisions of the building code of the city, as adopted, and all amendments thereto of the Virginia Uniform Statewide Building Code.

**Sec. 120-231. Residential districts.**

The following shall apply in residential districts:

- (1) Permitted signs; size.

<b>Permitted Signs</b>	<b>Permit Required</b>	<b>Maximum Size of Total Signage (square feet)</b>
- Real Estate*	No	12
- Identification*	Yes	18
- Home Occupation	Yes	2
- Directional*	No	3
- Public Service <sup>4</sup>	Yes	20
- Professional	Yes	15
- Locational / Directional	Yes	3
- Greek organization**	No	15
* NOTE: These signs may be freestanding		
** Must adhere to requirements as shown in Sec. 120-237		

- (2) Location. All freestanding signs shall be a minimum of ten (10) feet from the closer right-of-way line of a street fifty (50) feet or greater in width and a minimum of thirty-five (35) feet from the center line of any street right-of-way less than fifty (50) feet in width. Corner lots must also meet the requirements of Sec. 120-145 of the Zoning Ordinance concerning visibility at intersections.
- (3) Height limitations. No freestanding sign shall exceed eight (8) feet in height.
- (4) Lighting. Lighted signs or signs illuminated by a light shall not cast a glare on adjacent properties.
- (5) Number of signs permitted. No establishment shall be permitted more than two (2) signs, excluding permitted directional signs.

**Sec. 120-232. B – 3 Central Business District**

The following shall apply in the Central Business District

- (1) Permitted signs; size.

<b>Permitted Signs</b>	<b>Permit Required</b>	<b>Maximum Size of Total Signage (square feet)</b>
- Real Estate*	No	12
- Business	Yes	For establishments with a lot width less than 30 feet, a maximum of 15 square feet; for all others, 1 square foot for each 2 linear footage of street frontage, not to exceed 100 square feet
- Temporary	Yes	20
- Directional	No	3
- Identification	Yes	15
- Public Service	Yes	15
- Locational / Directional	Yes	3
* NOTE: These signs may be freestanding		

- (2) Location. All signs, unless otherwise stated, shall be subject to the same setback and yard requirements as other structures.
- (3) Number of signs permitted. Excluding public service signs, only one (1) sign shall be permitted, except that a corner lot occupied by a single establishment shall be allowed up to two (2) signs as provided in Sec. 120-234.
- (4) Suspended and projecting signs. Sign of these types shall be less than eight (8) feet from the ground or larger than twenty (20) square feet.
- (5) Review by *Main Street Radford* Design Committee. All sign permits for this district must be reviewed by the Design Committee.

**Sec. 120-233. B – 1, B-2 Business Districts**

The following shall apply in the B-1 & B-2 districts:

(1) Permitted signs; size.

Permitted Signs	Permit Required	Maximum Size of Total Signage (square feet)
- Real Estate*	No	32
- Business	Yes	For establishments with a lot width less than 30 feet, a maximum of 20 square feet; for all others, 1 square foot for each 2 linear footage of street frontage, not to exceed 100 square feet
- Identification	Yes	30
- Temporary	Yes	20
- Directional	No	3
- Public Service*	Yes	15
- Locational *	Yes	3
- Shopping Center (freestanding)	Yes	One (1) square foot for each two (2) linear feet of street frontage, not to exceed 400 square feet
- Shopping Center (wall signage)	Yes	Wall signage per premises shall not exceed one (1) square foot of sign area for each one (1) foot of building frontage facing a public street or facing a private access way if building frontage has no frontage on a public street with a maximum of one hundred (100) square feet of sign area
* NOTE: These signs may be freestanding		

- (2) *Freestanding signs.* On lots with a public street right-of-way frontage of between 75 and 150 feet and a building setback of at least 15 feet, one (1) freestanding sign will be allowed with a maximum area of 200 square feet and a maximum height of 20 feet. On lots with a public street right-of-way frontage of more than 150 feet, one (1) freestanding sign will be allowed with a maximum area of 300 square feet and a maximum height of 30 feet. All such freestanding signs shall be set back at least five (5) feet from the edge of pavement or behind the sidewalk, whichever is greater. No freestanding signs shall be allowed in this district on lots with less than 75 feet of public right-of-way frontage. A Shopping Center freestanding sign is allowed one (1) square foot for each two (2) linear feet of street frontage, not to exceed 400 square feet.
- (3) *Determination of available frontage.* Each freestanding sign existing on or proposed for a lot shall require a separate and distinct allotment of frontage as required in Subsection B. When more than one (1) establishment is on a lot, the double counting of frontage shall not be permitted when determining frontage available for freestanding signs.
- (4) *Number of signs permitted.* Excluding public service signs, a maximum of three (3) signs shall be allowed.
- (5) *Business selling gasoline.* Businesses selling gasoline will be allowed an additional nine (9) square feet of signage for the purpose of displaying gas prices only.

Required frontage. More than one (1) business may be combined to obtain the required frontage for a freestanding sign.

**Sec. 120-234. M – 1 & M - 2 Industrial districts.**

The following shall apply in the industrial districts:

- (1) Permitted signs; size.

<b>Permitted Signs</b>	<b>Permit Required</b>	<b>Maximum Size of Total Signage (square feet)</b>
- Real Estate*	No	32
- Business	Yes	A maximum of 2 square feet of sign area for each 1 ½ linear feet of street frontage, not to exceed 120 square feet
- Identification	Yes	30
- Directional	No	3
- Temporary	Yes	32
- Locational *	Yes	3
* NOTE: These signs may be freestanding		

- (2) Number of signs permitted. Excluding public service signs, a maximum of two (2) business signs per establishment shall be allowed.
- (3) Special sign regulations. All signs must be attached signs. except:
- a. Freestanding business signs. A use permitted in this district with at least two hundred (200) feet of street frontage may be served with a freestanding business sign. Such freestanding sign shall not exceed thirty (30) feet in height or one hundred (100) square feet in area.
  - b. Industrial parks. An industrial park in this district shall be permitted one (1) freestanding identification sign. Such freestanding identification sign may list the names of the tenants, as well as the name of the industrial area, its owner and developer. Such signs shall not exceed thirty (30) feet in height or one hundred (100) square feet in area.

**Sec. 120-235. Calculation of sign area.**

Sign area shall be calculated as follows:

- (1) The area of an attached sign, where the sign consists of words, numbers or symbols painted on or affixed to a wall, shall be the entire area within a continuous perimeter enclosing the extreme limits of each work, symbol, numeral, groups of symbols or groups of numerals where the symbols or numbers are meant to be read as a unit. Where

there is a symbol that encompasses or partly encompasses the message of the sign, the sign area shall be the entire area within a continuous perimeter enclosing the extreme limits of the symbol.

- (2) The area of a suspended, attached or projecting sign, where the letters, numerals or symbols are on a sign surface which is hung or affixed to a structure, shall be the total area of the hung or affixed surface.
- (3) The area of a freestanding sign shall be the total area of all surfaces, excluding poles, visible from the public right-of-way or other point from which the sign is intended to be viewed. Only one (1) display face shall be measured in computing the total sign area where the sign faces are arranged to be viewed one (1) at a time.

**Sec. 120-236. Signs on corner lots.**

- (1) On corner lots, the front shall be either:
  - a. The side fronting the street providing major access; or
  - b. The side which the main entrance of the structure faces.
- (2) For business or industrial uses, the front shall not be a primary residential street. In cases where the front cannot be determined, the Administrator shall designate the front.
- (3) On corner lots where a building or buildings have more than one (1) principal use, sign area shall be allowed for front linear footage as indicated in the district regulations and for one-half (1/2) the side street frontage, provided that:
  - a. The side street does not front on a primary residential area.
  - b. The sign area as determined by each frontage is placed only on the frontage from which it is determined.
  - c. No freestanding sign shall be displayed on the side street frontage.

**Sec. 120-237. Removal of unused conforming signs.**

All conforming signs, sign supports and attendant hardware not used by a new tenant or new owner shall be removed by the new owner within one (1) year of the premises being vacated. If reoccupied, a new tenant or new owner has three (3) months to use or remove all signs, sign supports or attendant hardware.

**Sec. 120-238. Permit approval and review required.**

It shall be unlawful for any person to erect any sign (excluding signs cited in Sec. 120-126) without complying with the following requirements:

- (1) Completion of the application for a sign permit.
- (2) Review by the Zoning Administrator.
- (3) Issuance of a sign permit with fee.

**Sec. 120-239. Additional Requirements for Radford University Recognized Student Clubs and Organization Signs.**

*An Organization Sign* is any sign, flag, banner or other object used to identify a Radford University recognized student clubs or organization and are only permitted under the following conditions:

Flag requirements:

- a) Flags must be located in the UD University / Business District or Business district (generally five (5) blocks east and west of the Radford University campus).
- b) Flags shall not exceed 3-foot by 5-foot in size.
- c) Flag design and location must be approved by Radford University's Department of Student Activities and the Zoning Administrator.
- d) A maximum of one (1) flag per organization is permitted.

Display of Radford University recognized student clubs or organizations letters, banners, signs, etc, other than flags, are permitted only during special events under the following conditions:

- a) Special events are limited to Radford University Homecoming, Rush, and Greek Week, and other events identified and agreed upon between the Department of Student Activities and the zoning administrator.
- b) The location and type of displays must be approved by Radford University's Department of Student Activities and the Zoning Administrator
- c) Letters, signs, banners, decorations, etc, may be hung on Friday before the event and must be removed by Sunday evening following the event.

**ARTICLE VI. NONCONFORMING USES AND FEATURES**

**Sec. 120-240. Nonconforming uses and features may continue.**

Subject to the limitations and restrictions set forth in this article, nonconforming uses and nonconforming features of uses and buildings may be continued. The terms “non-conforming use” and “nonconforming feature” as used herein shall have such meaning as defined in Article I of this chapter.

**Sec. 120-241. Extension of nonconforming use.**

Nonconforming use shall be extended, enlarged or moved so as to occupy a different or greater area of land or buildings than was occupied by and actively devoted to such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout such portion of land or such part of a building which was lawfully and manifestly arranged, designed and intended for such use at the time it became nonconforming.

**Sec. 120-242. Change of nonconforming use.**

A nonconforming use of land or a nonconforming use of a building may be changed to another use which is of the same or more restricted classification under the terms of this chapter or may be changed to any use which conforms to the use regulations of this chapter. Whenever a nonconforming use had been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to the original non-conforming use or to any use which is less restricted by the terms of this chapter.

**Sec. 120-243. Discontinuance of nonconforming use.**

Whenever a nonconforming use of land or a nonconforming use of a building is discontinued for a period of more than 24 consecutive months, whether or not equipment or fixtures intended for such use are removed, any subsequent use shall conform to the use regulations of the district in which the property is located.

**Sec. 120-244. Changes to building devoted to nonconforming uses.**

No building or portion of a building devoted to a nonconforming use shall be enlarged, extended, structurally altered, reconstructed or moved, unless such building or portion of a building is thereafter devoted to a use which conforms to the use regulations of this chapter. Nothing in this article shall be construed to prohibit normal repair, maintenance or nonstructural alteration of a building devoted to a nonconforming use or the alteration, strengthening or restoring of a building to safe condition as may be required by law.

**Sec. 120-245. Changes to building having nonconforming features.**

A building which is devoted to a conforming use, but is nonconforming with respect to the yard, height, bulk or area regulations of this chapter or other feature required by this chapter may be enlarged, extended or structurally altered, provided that such enlargement, extension or structural

alteration does not increase the degree or extent of any nonconforming feature of the building. An increase in the height of a building or portion of a building which is nonconforming with regard to a yard requirement shall be deemed to be an increase in the extent of the nonconforming yard feature of the building.

**Sec. 120-246. Damage to buildings devoted to nonconforming uses or to buildings having nonconforming features.**

*Damage to existing non-conforming structure.* Should a non-conforming structure be damaged by fire, wind, water or any other damage, every effort shall be made to rebuild the structure to conform to current ordinance. However, should it be deemed infeasible to rebuild to current conformity, the structure may be rebuilt to the nonconforming use in existence prior to the occurrence of said damage within two (2) years. An additional two (2) years shall be allowed should the damage be the direct result of a Federally-declared disaster. After the above mentioned timeframes, if the structures remain un-built, said structures shall be rebuilt to conform to current standards and regulations.

**Sec. 120-247. Nonconforming dwelling use.**

Any dwelling use which is located in a Business or Industrial District and which becomes a nonconforming use under the provisions of this chapter may be maintained, improved, structurally altered, enlarged or moved, or may be reconstructed if damaged by fire, explosion, act of God or the public enemy. In no case shall the amount of floor area devoted to the dwelling use at the time it became nonconforming be increased, nor shall the number of dwelling units located on the property be increased, nor shall the lot area, lot width, yard dimensions or number of off-street parking spaces be reduced to less than that which would be required for such dwelling use in the R-4 District.

**Sec. 120-248. Intermittent or illegal uses and features.**

Intermittent, casual, temporary or illegal uses of land or buildings and temporary or illegal features of uses or buildings shall not be construed to establish the existence of a nonconforming use or a nonconforming feature.

**Sec. 120-249. Determination of existence of nonconforming uses and nonconforming features.**

The zoning administrator shall have the authority to determine whether a nonconforming use or a nonconforming feature of a use or building exists in accordance with the provisions of this chapter. Appeal from any such determination by the zoning administrator may be taken to the board of zoning appeals by any person aggrieved by such determination pursuant to the provisions of Article X of this chapter.

**Sec. 120-250. Permits required for changes to nonconforming uses and buildings.**

In every case where extension of a nonconforming use, change of a nonconforming use, change to a building devoted to a nonconforming use or change to a building having a nonconforming feature is permitted by the provisions of this article, such extension or change shall be subject to the requirements set forth in Article VII of this chapter pertaining to zoning permits, building permits and certificates of use and occupancy. No zoning permit, building permit or certificate of use and occupancy shall be approved or issued by the responsible official unless all requirements and restrictions of this article and all other applicable provisions of this chapter are met.

**Sec. 120-251. Zoning permit required for nonconforming use.**

Within six months of the effective date of this chapter, application shall be made to the zoning administrator for a zoning permit for every use which becomes a nonconforming use as a result of the provisions of this chapter. Such application shall be made by the owner of the property or by an authorized agent of the owner.

**ARTICLE VII. ADMINISTRATION**

**Sec. 120-252. Appointment of zoning administrator.**

The provisions of this chapter shall be administered and enforced by an officer to be known as the Zoning Administrator who shall be appointed by the City Manager. The zoning administrator shall have all necessary authority to carry out the duties prescribed in this chapter on behalf of the City Council. It shall be the responsibility of all other appointed officers and employees of the city to cooperate with the zoning administrator in the execution of such duties.

**Sec. 120-253. Duties of zoning administrator.**

- (1) *Interpretation.* Subject to appeal to the board of zoning appeals pursuant to the provisions of Article X of this chapter, the zoning administrator shall be the final authority as to the interpretation of the provisions of this chapter.
- (2) *Review and approval of zoning permits.* The zoning administrator shall review all applications for zoning permits required by the provisions of this chapter and shall approve or disapprove same based on compliance or noncompliance with the provisions of this chapter.
- (3) *Review and processing of site plans.* The zoning administrator shall review all site plans. The administrator will determine if the plan can be reviewed administratively or if it requires planning commission approval. The administrator shall report monthly the status of administratively reviewed plans. For planning commission reviewed plans, the administrator shall report to the planning commission findings and recommendations based on compliance or noncompliance with this chapter for use as they consider approval of such plans. The zoning administrator shall provide an annual report to the Commission summarizing site plans approved, those implemented, and any enforcement or compliance problems.
- (4) *Correction of violations.* The zoning administrator shall use his or her best endeavors to prevent violations of the provisions of this chapter and to detect and secure the correction of violations. The zoning administrator shall order in writing remedy of conditions found to be in violation, including the discontinuance of illegal uses of land and buildings, the removal or bringing into compliance of illegal buildings, structures, additions and alterations, and the discontinuance of illegal work being done. The zoning administrator shall provide the city attorney a copy of every such order, and the city attorney shall have the authority to initiate such legal action to ensure compliance and prevent violations as is authorized by the laws of the Commonwealth.

- (5) *Records.* The zoning administrator shall maintain records of all official actions taken with respect to the administration and enforcement of this chapter, and shall retain copies of all zoning permit applications and accompanying plans and information as a permanent record.
- (6) *Other duties.* The zoning administrator shall have such other duties with respect to the administration of this chapter as specifically set forth elsewhere in the chapter or as determined by the City Manager.

**Sec. 120-254. Zoning permits**

- (1) *Zoning permit required.* No building shall be constructed, erected, enlarged, structurally altered, moved or converted to a different use, nor shall any permanent sign be erected or installed, nor shall any use of land or buildings, including a home occupation, be established, changed to a different use or expanded to occupy a greater area of land or buildings until a zoning permit for such building, sign or use has been approved by the zoning administrator.
- (2) *Applications and plans.* Applications for zoning permits shall be submitted to the zoning administrator by the owner of the property involved or by an agent of the owner, with the written consent of the owner. Applications shall be made on forms provided by the zoning administrator and shall be accompanied by plans in accordance with the following.
  - a. *Plans.* The application for a zoning permit shall be accompanied by site plans, which shall be drawn to scale, submitted in such number as required by the zoning administrator and Article VIII of this chapter and shall show, with dimensions: lot lines, yards, locations of buildings, parking spaces and such other information deemed necessary by the zoning administrator to enable enforcement of the provisions of this chapter. Plans shall contain notations indicating the proposed use of all buildings and land. The zoning administrator may waive any of the plan requirements of this paragraph when the particular information is not necessary to determine compliance with this chapter and to establish sufficient record of the applications. The zoning administrator or city engineer may require plans to be prepared or certified by qualified professionals when deemed necessary to establish the location or design of buildings, structures, utilities or other site improvements.
  - b. *Action* The Administrator shall act on any application received within 30 days, notifying the applicant when formal action may be expected on the application.

- (3) *Applications for Rezoning*
- a. *Site Plan.* Every zoning permit application for a project requiring planning commission approval of a Site Plan shall be accompanied with 10 copies of the proposed plan for consideration by the Planning Commission. All other plans shall require 3 copies.
  - b. *Consultation.* Applicants are encouraged to consult with the Zoning Administrator during the preparation phase of the site plan.
- (4) *Request for Variance or Review of Zoning Administrator's Decision.* Applications shall be made with the Zoning Administrator for reviews by the Board of Zoning Appeals.
- a. *Requests for Review* The Application shall be accompanied by the material which the applicant desires to be considered by the Board. The Board will hold hearings on the requests at which time additional information may be presented.
  - b. *Administrator Shall Schedule Provide Information and Hearing.* The Zoning Administrator shall forward the application and accompanying materials to the Board, schedule a hearing and notify the applicant.
- (5) *Expiration of zoning permit.* A zoning permit shall be valid for a period of one year from the date of signature by the zoning administrator and shall become null and void if, within such period, no building permit or certificate of use and occupancy pursuant thereto has been issued by the building official. In a case where no building permit or certificate of use and occupancy is required by applicable law, a zoning permit shall become null and void if, within one year from the date of its approval, the use, activity or feature authorized by such zoning permit has not been established.
- (6) *Provisional approval.* To the extent that such action does not conflict with the provisions of the Virginia Uniform Statewide Building Code, the zoning administrator may grant provisional approval in conjunction with a certificate of use and occupancy under the following conditions:
- a. Such provisional approval may be granted only where lack of compliance with the provisions of this chapter is of a temporary nature and involves only site related improvements such as landscaping, vegetative screening and paving which cannot reasonably be completed due to seasonal or weather conditions or unavoidable scheduling conflicts on the part of the contractor or supplier. In any such instance, the zoning administrator shall be satisfied that the premises involved are physically suitable for use and occupancy in terms of access, availability of required parking and drainage, and all other site requirements.
  - b. Such provisional approval shall be in writing and shall state the nature of the incomplete work and the time period within which the work is to be completed, which in no case shall exceed 90 days, provided that one extension of up to 60

days may be granted by the zoning administrator for good cause shown. Provisional approval shall expire at the end of such stated period, and if the work is not completed, a violation of the terms of this chapter shall be deemed to exist.

- c. The zoning administrator may require a bond with surety, or such other guarantee as approved by the city attorney, adequate to ensure completion of the improvements.

**Sec. 120-255. Building Permits.**

No building permit required by the provisions of the Virginia Uniform Statewide Building Code shall be issued by the building official until a zoning permit as required by this article has been **issued** by the zoning administrator.

**Sec. 120-256. Certificates of use and occupancy.**

No certificate of use and occupancy required by the provisions of the Virginia Uniform Statewide Building Code shall be issued for any building, land or portion thereof until a zoning permit as required by the provisions of this article has been issued by the zoning administrator. In a case where a zoning permit has been approved in conjunction with a building permit for the building or portion thereof, an additional zoning permit shall not be required provided that the certificate of use and occupancy shall not be issued until it has been determined by the zoning administrator upon inspection of the premises that the construction and use are in conformance with the previously approved zoning permit and all applicable provisions of this chapter.

**Sec. 120-257. Land disturbing permits.**

No land disturbing permit as required by the provision of Chapter 31 of the City Code shall be issued by an administrative official until the zoning administrator has reviewed same and certified that the land disturbing activity proposed pursuant to such permit will not result in any violation of the provisions of this chapter.

**Sec. 120-258. Compliance with approved plans.**

All zoning permits and other permits and certificates are approved or issued on the basis of approved applications and plans, and shall authorize only the construction, arrangement and use set forth by such approved applications and plans. Any construction, arrangement or use not in compliance with that which is specifically authorized by approved applications and plans shall be deemed a violation of this chapter.

**Sec. 120-259. Fees.**

A filing fee in such amount as established by general rule by the city council shall accompany each application for a zoning permit.

**ARTICLE VIII. SITE PLANS**

## **DIVISION 1 – SITE PLAN INTENT**

### **Sec. 120-260. Site plan required for certain uses.**

For the purposes of assuring careful use of difficult topography and good arrangement, appearance, function, and harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the following uses shall be submitted and reviewed in accordance with the requirements and procedures of this article:

- (a) Uses permitted by approval of a Special Use Permit.
- (b) Cluster subdivisions or subdivisions which average lot area.
- (c) Planned housing developments.
- (d) Mobile home parks or subdivisions.
- (e) Any other use except detached single-family dwellings.
- (f) Any parking lot or parking facility which is to contain more than ten spaces.

Unless specifically stated to the contrary, a use noted as subject to site plan review shall be subject to administrative site plan review under the provisions of this article. Where a subdivision is also involved, the review of subdivision plans and site plans will be coordinated under the provisions of this article and the requirements of the subdivision regulations.

### **Sec. 120-261. Purpose of site plan review.**

The purpose of site plan review is to promote the orderly development of the City by means of improved project design which will insure that new development is appropriately functional, harmonious with its environment and consistent with the Comprehensive Plan and the intent of these regulations generally, and to this end to provide for a review of proposed development plans with respect to:

- a) The compatibility of the development with respect to its environment and the layout and design of features which may affect compatibility, such as building location, project open space, grading and treatment of slopes and stream valleys, screening, lighting and landscaping.
- b) The capacity of the design to provide for convenient and safe internal and external movement of vehicles and pedestrians.
- c) The protection of public safety and the location and adequacy of necessary utilities, drainage, and erosion and sediment controls.

## **DIVISION 2. SITE PLAN REQUIREMENTS**

### **Sec. 120-262. Requirements for site plans, content and form.**

- a) *Preliminary site plans.* The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:
1. The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer, or landscape architect, and the developer. The north point, scale, and date.
  2. Location of the project by an insert map indicating the north arrow and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, and magisterial districts or other landmarks sufficient to clearly identify the location of the property.
  3. Existing zoning and zoning district boundaries and proposed changes in zoning, if any, and including floodplain districts.
  4. The boundaries of the property involved, municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, or waterways, major tree masses and other existing physical features in or adjoining the project.
  5. Uses of adjoining properties and names of owners.
  6. Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review the project or proposal.
  7. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.
  8. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including number of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
  9. The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
  10. Location with respect to each other and to lot lines, number of floors, number of dwelling units and approximate height of all proposed buildings and structures, accessory and main, or major excavations.
  11. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
  12. General location, height, and material of all fences, walls, screen planting, and landscaping.

13. General location, character, size, height, and orientation of proposed signs.
  14. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations. The Administrator may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in his opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall indicate where the several sheets join. Each plan sheet shall reserve a blank space three inches wide and five inches high for the use of the approving authority. Site plans shall be prepared to a scale of one inch equals 50 feet, or such other scale as may be approved by the Administrator as appropriate to a particular case.
  15. All preliminary site plans shall be certified by a licensed Architect, Engineer or Land Surveyor as to feasibility of project.
- b) *Final site plans.* The final site plan or final plat shall comply with all laws, regulations and ordinances governing the approval of subdivisions and in addition shall show the following:
1. All of the features required on the preliminary site plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of construction permits.
  2. All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the utility system.
  3. Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the City indicating the location, sizes, types and grades of ditches, catch-basins and pipes and connections to existing drainage system, and provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
  4. Existing topography with two-foot contour intervals or such intervals as approved by the Administrator. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.
  5. Proposed finished grading by contours supplemented where necessary by spot elevations.
  6. All final site plans shall be certified by a licensed Architect, Engineer or Land Surveyor as to feasibility of project.
  7. Digital copy of site plan in .DWG format, if available.

## **DIVISION 3. PROCEDURES**

### **Sec. 120-263. Procedures, administrative site plan review.**

- a) When these regulations require site plan review for certain uses for which City Council action is not required; five copies of a preliminary site plan for any of the specified uses shall be submitted to the Administrator for review of the plans for compliance with these regulations and the requirements for preliminary site plans. The Administrator shall transmit said plans to such other staff and agencies as he/she may consider necessary for the review. The applicant is advised to review his plans in general or sketch form with the Administrator prior to drafting for submittal.
- b) The Administrator shall examine the proposed site plan relating to the requirements of this chapter, with respect to the traffic and circulation patterns, internal and external, relation to major thoroughfares, utilities, drainage and community facilities, existing or proposed, surrounding development, existing or future, considerations of topography, floodplains, and the natural environment, the preservation of trees or historic sites, provision for open space, and in general with the objective of insuring a durable, harmonious, and appropriate use of the land in accord with the objectives of the Comprehensive Plan. The plans shall be returned to the applicant within ten days following the complete submittal, or within ten days of a recommendation by the City Council or Planning Commission as set forth in subsection (d) below, as approved, approved subject to conditions, or disapproved. Unless otherwise specified, approval shall be valid for a period of one year prior to issuance of building permits.
- c) If specified conditions are met in revised plans, the Administrator may approve issuance of building permits accordingly, and may approve additional minor changes, if, in the opinion of the Administrator such changes do not substantially affect the original approval or conditions attached thereto.
- d) In any case where the Administrator is of the opinion that a proposed project subject to administrative site plan review is of such scale and impact that a decision on the site plan should be reached only after a review by the City Council or the Planning Commission, he may refer the plan to the Council or the Commission or both of them for an advisory recommendation.
- e) Nothing in this section shall be interpreted to permit a grant of a variance or exception to the regulations of this chapter or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.
- f) There shall be a charge for the examination and approval or disapproval of every site plan by the Administrator. At the time of filing the preliminary site plan, the developer or his agent shall deposit with the Administrator cash or checks payable to the Treasurer in the amount of \$200.00.

**Sec. 120-264. Appeal from Zoning Administrator's decision.**

In any case where the applicant or other party who has a substantial interest in a proposed project is aggrieved by a decision of the Zoning Administrator regarding a site plan, said applicant or party in interest may file a written notice of appeal with the City Manager who shall place the matter on the agenda of the next regular meeting of the City Council provided said appeal is filed within ten working days of the decision. Upon hearing the appeal, the City Council may reverse or affirm, wholly or partly, or may modify the decision of the Administrator and may take such action as it believes appropriate.

**Sec. 120-265. Procedures for approval of site plans for Special Use Permits which require approval by the City Council.**

- (1) *When required.* A site plan approved by the planning commission shall be required when any of the following circumstances exist:
  - a. When the district regulations set forth in Article II of this chapter specifically require planning commission approval of a site plan for a particular use;
  - b. When the site plan involves eight (8) or more dwelling units;
  - c. When the property is owned by the city or the proposed development involves city funding;
  - d. When access to a site is to be provided by means other than an improved public street; and
- (2) When no public right of way, utility extension or utility easement dedication is involved. Five copies of a preliminary site plan or plans shall be filed with the City Council through the Zoning Administrator. The preliminary site plan shall comply with section 120-262 above and the applicable written requirements of this chapter, and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Council. At its option, the City Council may refer the application to the Planning Commission for an advisory recommendation.
- (3) Approval by the City Council of a preliminary site plan for a Special Use Permit shall be valid for a period of one year. Following preliminary approval by the Council, a final site plan in the form of a final plat shall be prepared and filed. The final plat may be approved by the Administrator and shall comply with the specifications of the Council and the requirements of this article and applicable laws, regulations, and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved and filed plat.

**Sec. 120-266. Temporary site plan.**

- a. A temporary site plan may be approved by the Zoning Administrator for a proposed development or land use for a period not to exceed one year, where development is in progress and all buildings are of a temporary nature. The drainage, erosion, and sediment control practices, parking, screening, fencing, services, and utility requirements of this chapter and this article may be modified for the purpose of a temporary plan.
- b. Prior to the approval of such temporary site plan a cash bond or letter of credit approved by the City Attorney may be required to guarantee that all structures erected under the plan will be removed at the expiration of the period for which the permit was issued.
- c. Items to be shown on a temporary site plan shall be the same as required for preliminary site plans above except as these may be waived by the Administrator.

**Sec. 120-267. Amendments and additions to site plans approved by the City Council.**

The procedure for amendment of the boundaries of or the extent of land use for an approved Special Use Permit shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved Special Use Permit, or other site plan approved by the City Council, may be approved by the Administrator, provided such change or amendment meets all of the following criteria:

- a. Does not alter a recorded plat,
- b. Does not conflict with the specific requirements of this chapter,
- c. Does not change the general character or content of an approved development plan or use,
- d. Has no appreciable effect on adjoining or surrounding property,
- e. Does not result in any substantial change of major external access points,
- f. Does not increase the approved number of dwelling units or height of buildings, and
- g. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.
- h. Amendments to conditions approved with conditional zoning are covered in Article I.

**Sec. 120-268. Revocation of permits.**

No permit shall be issued for any structure in any area covered by a site plan that is required under the provision of this article except in conformity to such plan which has been duly approved. Permits issued under an approved site plan may be revoked by the Administrator for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

**Sec. 120-269. Agreement and bond.**

Prior to approval of a building permit there shall be executed, by the owner or developer, an agreement to construct such required physical improvements as are located within public rights-of-way or easements, or as are connected to any public facility in form and substance as

approved by the City; and, the Administrator may require a bond with surety or conditions acceptable to the City Attorney in the amount of the estimated cost of the required physical improvements as determined by the departments, divisions, or agencies responsible for such improvements. The aforesaid agreement, bond, or conditions shall be provided for completion of all work covered thereby, maintenance thereof or for subsequent defects therein, within the time to be determined by the Administrator, which time may be extended by the Administrator upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions, and acceptability of any bond hereunder shall be determined by the City Attorney.

**Sec. 120-270. Approval and extension.**

Approval of a site plan submitted under the provisions of this article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the Administrator made within 90 days before the expiration of the approved site plan. The Administrator shall acknowledge the request and shall make a decision regarding the requested extension within 90 days after receipt of the request.

**Sec. 120-271. Right of developer to continue project.**

Subject to the time limits and conditions specified in this chapter, the rights of an owner or developer to continue a project for which a site plan has been approved shall not be abridged so long as he proceeds toward completion with reasonable care and diligence and in accordance with the terms of the approval.

**Sec. 120-272. Inspection and supervision of improvements.**

- a) The owner or developer shall have one set of approved plans, profiles and specifications available at the site at all times when work is being performed. A designated, responsible employee shall be available for contact by the Zoning Administrator or inspectors.
- b) Upon satisfactory completion of all installation of the required improvements, the owner shall receive an approval from the Zoning Administrator, upon application for such approval. Such approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof. Inspection is to be made within a reasonable time of the request, and the bond released as quickly as circumstances will permit.
- c) The installation of improvements as required in this article shall in no case serve to bind the City to accept such improvements for the maintenance, repair, or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

**Sec. 120-273. Compliance with Approved Final Site Plan**

Final Site Plans are approved on the basis of approved applications and plans, and shall authorize only the construction, arrangement and use set forth by such approved application and plans. Any construction, arrangement or use not in compliance with that which is specifically authorized by approved application and site plans shall be deemed a violation of this chapter.

**ARTICLE IX. SPECIAL USE PERMITS**

## **DIVISION 1. APPLICABILITY**

### **Sec. 120-274. Purpose of special use procedure.**

The purpose of the special use procedure is to provide a means for the city council to authorize, after review and subject to appropriate conditions, certain specified uses which, although generally appropriate in the district in which they are permitted by this chapter, have a potentially greater impact on neighboring properties than those uses which are permitted by right in the district. The special, use procedure is intended to provide the opportunity for the planning commission and the city council to review each proposed special use and its potential impacts on surrounding properties and land uses, with special regard for the particular circumstances of each case. It is also intended to provide an opportunity for the planning commission to recommend and for the city council to impose such conditions as are necessary to ensure that the use will be compatible with the surrounding area and consistent with the intent of the particular district and the purposes of this chapter.

### **Sec. 120-275. Special use permit required.**

A use indicated as permitted subject to a special use permit by any of the district regulations set forth in Article II of this chapter shall be authorized only upon approval of a special use permit by the city council. A use for which a special use permit is required shall also be subject to the requirements of section 120-254 of this chapter pertaining to zoning permits. No zoning permit, building permit or certificate of use and occupancy for a special use or for a building devoted to a special use shall be issued unless a special use permit for such has been approved in accordance with the provisions of this article.

### **Sec. 120-276. Existing uses.**

Any use permitted as a special use in the district in which it is located and for which no special use permit has been approved shall be considered a nonconforming use, provided such use was legally established prior to the effective date of this chapter.

## **DIVISION 2. STANDARDS AND GUIDELINES**

### **Sec. 120-277. General standards.**

A special use permit shall be approved only when the city council is satisfied that the use and operation thereof will not: conflict with objectives of the comprehensive plan; have an undue adverse impact on adjoining and surrounding property as a result of traffic, noise, lights, dust, odor, or fumes; unreasonably impair light and air, convenience of access or safety from fire, flood and other dangers; create or unreasonably increase congestion on adjacent streets; overburden utilities, public facilities or public services.

### **Sec. 120-278. Factors to be considered.**

In evaluating and acting upon special use permit applications, the planning commission and the city council shall consider, among other factors: the adequacy of utilities, access and necessary public facilities and services; off-street parking and vehicular circulation; the arrangement of and relationship among elements of the site plan; the extent to which natural vegetation and topographic features are to be retained; and the adequacy of separation, landscaping, buffers, yards and other features to protect adjoining and surrounding property from potential adverse effects of the special use.

### **Sec. 120-279. Compliance with district regulations.**

Except to the extent that greater requirements may be imposed by the city council pursuant to the provisions of this article, a special use shall comply with the regulations and standards generally applicable within the district in which it is located and with such specific conditions for the use as may be set forth in the district regulations.

### **Sec. 120-280. Conditions may be imposed.**

The planning commission may recommend and the city council may impose such reasonable requirements and conditions, including limiting the duration of a special use permit, as deemed necessary to meet the guidelines set forth in this article and to accomplish the intent and purpose of this chapter.

## **DIVISION 3. PROCEDURES**

### **Sec. 120-281. Applications.**

Applications for special use permits shall be submitted to the zoning administrator on forms provided by the zoning administrator for such purpose. Applications may be filed by the owner of the property or, with the written consent of the owner, the contract purchaser of the property or any agent of the owner.

### **Sec. 120-282. Required plans and report.**

Special use permit applications shall be accompanied by plans in such numbers as determined by written policy of the city council. Plans shall contain such information as specified in Article VIII of this chapter pertaining to Site Plans. The zoning administrator shall not have authority to waive any of the plan requirements. In addition to such plans, the applicant shall submit a report with the application explaining the manner in which the proposed special use will conform to the standards and guidelines set forth in Division 2 of this article.

### **Sec. 120-283. Process for review and approval.**

- a. *Review by zoning administrator.* Upon receipt of a special use permit application, the zoning administrator shall review the application and accompanying materials. Following review, the zoning administrator shall forward all special use permit applications to the planning commission along with a report indicating the manner in which the proposed special use complies or does not comply with the applicable provisions of this chapter and any recommendations the zoning administrator may have regarding approval, disapproval or conditions to be attached to the proposed use or plans.
- b. *Posting of signs.* The zoning administrator shall post at least one sign on each property that is the subject of a special use permit application in accordance with the provisions of section 120-312 of this chapter.
- c. *Hearing by planning commission.* The planning commission shall hold a public hearing on each special use permit application after giving public notice thereof as required by the provisions of Code of Virginia, § 15.2-2204, as amended, including the provisions of that section pertaining to written notice to affected parties.
- d. *Action by the commission.* The commission may recommend that the city council adopt or reject the proposed amendment or may recommend changes in the proposed amendment. Failure of the commission to consider the amendment and report to the city council within 90 days after the first regular meeting of the commission after the amendment was referred to it shall be deemed to be a recommendation of approval, unless the city council continues its consideration of the amendment for a longer period of time or the amendment has been withdrawn by the applicant prior to the expiration of such time period hearing, unless the applicant requests additional time to consider or to prepare revised plans.

- e. *Hearing by city council.* Upon receiving the recommendation of the planning commission, the city council shall give notice as required by the provisions of Code of Virginia, § 15.2-2204, as amended, including the provisions of that Section pertaining to written notice to affected parties, and shall hold a public hearing on the application.
- f. *Action of city council.* The city council may approve or disapprove the application, may accept or modify any conditions recommended by the planning commission, or may attach additional conditions consistent with the provisions of this article. The city council may also refer the application back to the planning commission for further consideration or advice, and in which case shall specify a time period within which the commission shall report. The action of the city council shall be by resolution, which shall include the reasons for its action and shall be set forth in writing and preserved among its records.

**Sec. 120-284. Joint public hearing.**

The city council and the planning commission may hold a joint public hearing on any proposed special use permit, subject to the public notice requirements of Code of Virginia, § 15.2-2204, as amended.

**Sec. 120-285. Amendments to special use permits.**

Any amendment or change of substance to an approved special use permit shall be subject to the same procedures and standards as for a new application. Minor modifications to an approved site plan or building detail may be authorized by the zoning administrator when such modifications do not: significantly alter the boundaries of the property; conflict with specific requirements of this chapter or specific conditions of the approved special use permit; decrease the width or depth of any yard, setback or buffer area; significantly alter points of access to the property or the internal arrangement of site plan elements; or have any appreciable effect on surrounding properties.

**Sec. 120-286. Special use permits binding on future owners.**

Special use permits shall run with the land and be binding on all future owners, unless specifically amended or repealed by the city council pursuant to the provisions of this article, provided that in its approval of a special use permit, the city council may for good cause specify a particular time at which the special use permit shall expire and become null and void.

**Sec. 120-287. Enforcement of special use permits.**

Special use permits shall be enforced in the same manner as other provisions of this chapter. Failure to comply with approved plans or conditions of a special use permit shall constitute a violation of this chapter. The city council may, after giving notice and holding a public hearing as provided by this article, revoke a special use permit if it determines there has not been compliance with its terms or conditions.

**Sec. 120-288. Compliance with approved plans.**

Special use permits are issued on the basis of approved applications and plans, and authorize only the construction, arrangement and use set forth by such applications and plans. Any construction, arrangement or use not in compliance with that which is specifically authorized by approved applications and plans shall be deemed a violation of this chapter.

**Sec. 120-289. Expiration of special use permits.**

An approved special use permit shall become null and void if no building permit to construct the authorized improvements has been issued within one year of the date of approval. A special use permit for which no building permit is required shall become null and void if the use is not established within one year of the date of approval.

**Sec. 120-290. Fees.**

A filing fee in such amount as established by general rule by the city council shall accompany each application for a special use permit.

**ARTICLE X. BOARD OF ZONING APPEALS**

## **DIVISION 1. COMPOSITION AND GENERAL PROCEDURES**

### **Sec. 120-291. Membership.**

Pursuant to the provisions of Section 15.2-2308 of the Code of Virginia, 1950, as amended, there shall be a board of zoning appeals which shall consist of five members who shall be residents of the city and shall be appointed by the circuit court of the city for terms of five years. The secretary of the board shall notify the circuit court at least 30 days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Members of the board shall hold no other public office in the city, except that one shall be appointed from among the members of the city planning commission. Appointment, reappointments, the filling of vacancies and procedures for the removal of members shall be as set forth in Section 15.2-2308 of the Code of Virginia, 1950, as amended.

### **Sec. 120-292. Officers.**

The board of zoning appeals shall elect from among its members a chairman and a vice-chairman who shall serve in the absence of the chairman. The chairman and vice-chairman shall serve annual terms and may succeed themselves. The board shall also elect a secretary who, with the consent of the city manager, shall be a qualified employee of the city and shall serve an indefinite term.

### **Sec. 120-293. Support services; compensation.**

With the approval of the city council and within the limits of funds that may be appropriated for such purposes, the board of zoning appeals may employ or contract for such clerical, technical or legal services necessary for it to carry out its responsibilities. Members of the board may be reimbursed for travel expenses and may receive such additional compensation as may be authorized by the city council.

### **Sec. 120-294. General procedures.**

- (1) *Adoption of rules.* The board of zoning appeals shall adopt rules of procedures necessary for the conduct of its affairs in keeping with the applicable provisions of this article and the provisions of Title 15.2 of the Code of Virginia, 1950, as amended. Copies of such rules shall be available to the public.
- (2) *Forms for applications and appeals.* The board of zoning appeals shall see that forms necessary for applications and appeals are available, which forms shall be provided to applicants by the zoning administrator.

- (3) *Meetings.* The board of zoning appeals shall hold regular monthly meeting which shall be open to the public. The board may also hold such additional meetings as it deems necessary in accordance with its rules. The chairman of the board may cancel any regular monthly meeting if, by the filing deadline for applications and appeals, there is no business to be brought before the board. All meetings and other activities of the board shall be conducted in accordance with applicable provisions of the Virginia Freedom of Information Act.
- (4) *Public notice and hearings.* The board of zoning appeals shall make no decision on any application or appeal until it has conducted a public hearing after giving public notice as required by the provisions of Section 15.2-2204 of the Code of Virginia, 1950, as amended, which provisions shall be incorporated within or attached to the rules of the board. In addition to such general notice as required by the provisions of that section:
  - a. The board shall give written notice at least five days prior to the hearing to the appellant or applicant and to the owners or their agents of the property involved in the appeal or application and of all abutting properties and property immediately across the street from the property involved;
  - b. In the case of an application for a variance, interpretation of the zoning district map or special exception, the zoning administrator shall at the time general public notice is given post a sign on the property involved in the applications. Such sign shall be placed so as to be visible from the principal street abutting the property and shall indicate the nature of the application and the time and place of the public hearing. If such sign has been properly posted as required herein and is subsequently obliterated, removed or destroyed without the knowledge of the zoning administrator, such fact shall not affect the jurisdiction of the board to hear and decide the case.
- (5) *Quorum.* A quorum of not less than three members of the board of zoning appeals shall be required for the conduct of any hearing and the taking of any action.
- (6) *Notification of decisions.* The zoning administrator and each appellant or applicant shall be notified in writing of the decision of the board by its secretary.
- (7) *Records.* The board of zoning appeals shall keep minutes of its proceedings, including the vote of each member on each question, and shall keep records of its official actions. The minutes of the board shall include a finding of fact in each case setting forth the reasons of the board for each action taken. Minutes and records shall be public and shall be filed in the office of the board.
- (8) *Annual report.* The board shall submit an annual report of its activities to the city council.

## **DIVISION 2. POWERS AND DUTIES**

### **Sec. 120-295. Authority.**

Pursuant to the provisions of Section 15.2-495 of the Code of Virginia 1950, as amended, the board of zoning appeals shall have such powers and duties as set forth in this division.

### **Sec. 120-296. Appeals.**

The board of zoning appeals shall have the power to hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator or any other administrative officer in the administration or enforcement of this chapter. The failure or refusal of the zoning administrator or other administrative officer to act on a properly submitted application or request for determination shall constitute a decision applicable pursuant to this section.

### **Sec. 120-297. Variance.**

The board of zoning appeals shall have the power to authorize upon application in specific cases, such variance as defined in Section 15.2-2201 of the Code of Virginia, 1950, as amended, from the terms of this chapter as will not be contrary to the public interest. Such variance may be granted when, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, provided that the spirit of this chapter shall be observed and substantial justice shall be done. The following guidelines and restrictions shall be observed by the board.

- (1) No variance shall be authorized by the board unless a property owner can show to the satisfaction of the board that:
  - a. The property was acquired in good faith;
  - b. By reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of this chapter or subsequent amendment thereto, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the condition, situation or development of property immediately adjacent thereto, strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the utilization of the property; or that the granting of the variance requested will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

- (2) No variance shall be authorized by the board unless it finds from the evidence presented that:
- a. Such variance will be in harmony with the intended spirit and purpose of this chapter;
  - b. The strict application of this chapter would produce undue hardship, and such hardship is not shared generally by other properties in the same zoning district and in the same vicinity as the subject property;
  - c. The authorization of such variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance;
  - d. The condition or situation of the property concerned is not of so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted by the city council as an amendment to this chapter;
  - e. The variance will not include a departure from the use regulations set forth in this chapter.
- (3) No application of any requirement of Article V of this chapter relating to the size, number, area, location or type of signs shall be deemed to constitute a hardship unless such requirement results in a situation in which no sign for a business activity lawfully occurring on the property is reasonably visible from the public street which provides the principal access to the business.
- (4) No variance from the terms of this chapter shall be granted for any proposed use, development or activity within the FP-1 Floodplain, Limited, District that will cause any increase in flood levels during the 100-year flood as defined in this chapter, or for any proposed use, development or activity within the FP-2 Floodplain, General, District which will effect an increase in flood levels in the floodway fringe and the additional floodway fringe, where applicable, which the floodplain provisions of this chapter are designed to prevent in such districts.
- (5) In the authorization of a variance, the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be satisfied.

**Sec. 120-298. Interpretation of zoning district map.**

The board of zoning appeals shall have the power to hear and decide applications for interpretation of the zoning district map where there is any uncertainty as to the location of a district boundary, and where the rules for interpretation of district boundaries set forth in Article I of this chapter do not satisfactorily resolve such uncertainty. After notice to the owners of the property affected by any such question, and after public hearing with notice as required, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries established by this chapter.

**Sec. 120-299. Special Exceptions.**

The board of zoning appeals shall have the power to hear and decide applications for such special exceptions as may be specifically authorized elsewhere in this chapter. In the granting of any special exceptions, the board may impose such conditions relating to the use provided for as it may deem necessary in the public interest, including limiting the duration of a special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be satisfied.

**Sec. 120-300. Prohibition on rezoning of property.**

No provision of this article shall be construed as granting the board of zoning appeals that power to rezone property, which power shall be vested in the city council.

## **DIVISION 3. APPEALS AND APPLICATIONS**

### **Sec. 120-301. Procedure for filing an appeal.**

- (1) *Who may file appeal.* An appeal to the board of zoning appeals pursuant to section 120-296 of this article may be taken by any person aggrieved or by any officer of the city affected by any decision of the zoning administrator or any order, requirement, decision or determination made by any other administrative officer, in the administration or enforcement of this chapter.
- (2) *Submission of appeal.* An appeal shall be taken within 30 days after the decision appealed from by filing with the secretary of the board of notice of an appeal specifying the grounds thereof. Copies of the notice of appeal shall also be submitted to the zoning administrator and any other individual, officer, department or agency involved in the appeal. The zoning administrator shall forthwith transmit to the secretary of the board all papers and other materials constituting the record upon which the action appealed from was taken.
- (3) *Stay of proceedings.* An appeal to the board shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that, by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the board or by a court of record, on application and with notice to the zoning administrator, and for good cause shown.

### **Sec. 120-302. Applications for variances, interpretation of zoning district map and special exceptions.**

- (1) *Who may file.* Applications for variances, interpretation of the zoning district map and special exceptions may be made by any property owner, tenant, government official, department, board or bureau on forms provided for such purpose by the board of zoning appeals.
- (2) *Submission of applications.* Applications shall be submitted to the zoning administrator in accordance with rules adopted by the board of zoning appeals. The zoning administrator shall transmit all applications and accompanying maps and documents to the secretary of the board, who shall place the matter on the docket of the board. The zoning administrator shall also transmit copies of all applications to the city planning commission, which may send a recommendation to the board or appear as a party at the hearing.

- (3) *Reconsideration of applications.* Substantially the same application for a variance, interpretation of the zoning district map or special exception which has been decided by the board shall not be considered again by the board within one year of the date of its decisions, except that the board may, pursuant to its rules, reconsider an application if it finds that new or additional information is available which would have a direct bearing on the case and which could not reasonably have been presented at the initial hearing.

**Sec. 120-303. Public hearings and decisions.**

- (1) *Procedure.* The board of zoning appeals shall fix a reasonable time for the hearing of an appeal or application, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 90 days of the filing of the appeal or application.
- (2) *Action of the board.* The concurring vote of not less than three members of the board shall be necessary to reverse any order, requirement, decisions or determination of an administrative officer, or to decide in favor of the applicant in any matter upon which it is required to pass under this chapter, or to effect any variance from the provisions of this chapter. In exercising its powers in the case of an appeal from a decision of an administrative officer, the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from.
- (3) *Oaths and witnesses.* The chairman of the board or, in his or her absence, the acting chairman may administer oaths and compel the attendance of witnesses.

## **DIVISION 4. MISCELLANEOUS PROVISIONS**

### **Sec. 120-304. Expiration of variance or special exception.**

A variance or special exception granted by the board of zoning appeals shall lapse and be of no effect if, after the expiration of one year from the date of such action by the board, no construction or change in use pursuant to such variance or special exception has taken place. The board may for good cause specify a longer period of time in conjunction with its action to grant a variance or special exception.

### **Sec. 120-305. Amendment of variance or special exception.**

The procedure for amendment of a variance or special exception granted by the board of zoning appeals, including any changes in the conditions attached thereto, shall be the same as for a new application.

### **Sec. 120-306. Enforcement of decisions.**

Decisions of the board of zoning appeals shall be enforced by the zoning administrator. Noncompliance with any action taken by the board, including conditions imposed by it, shall constitute a violation of this chapter. The board may, after giving notice and holding a public hearing as provided by this article, revoke a special exception if it determines there has not been compliance with its terms or conditions.

### **Sec. 120-307. Appeals from decisions of the board.**

Appeals from decisions of the board of zoning appeals shall be presented to the circuit court in accordance with the procedures, set forth in Section 15.1-497 of the Code Virginia, 1950, as amended. Any person or persons jointly or severally aggrieved by any decision of the board, or any taxpayer or any officer, department, board or bureau of the city may present to the circuit court a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.

### **Sec. 120-308. Fees.**

A filing fee in such amount as established by general rule by the city council shall be submitted with each appeal to the board and each application for variance, interpretation of the zoning district map or special exception.

## **ARTICLE XI. AMENDMENTS**

## **DIVISION 1. GENERALLY**

### **Sec. 120-309. Authority of City Council.**

Whenever public necessity, convenience, general welfare or good zoning practice require, and subject to the procedures and requirements set forth in Sections 15.2-2204, 15.2-2296-2303, and 15.2-2285 and other applicable provisions of the Code of Virginia, 1950, as amended, the regulations, restrictions and district boundaries established by this chapter may be amended, supplemented, changed or repealed by ordinance adopted by the city council and enacted in the same manner as all other ordinances.

### **Sec. 120-310. Initiation of amendments.**

Amendments to this chapter may be initiated by any of the following methods.

- (1) *Resolution of the city council.* The city council may, by its own resolution, initiate an ordinance to amend any of the provisions of this chapter, including the zoning district map. Such resolution shall state the public purpose for the amendment.
- (2) *Motion of the planning commission.* The planning commission may, by adoption of a motion, initiate an amendment to any of the provisions of this chapter, including the zoning district map. Such motion shall state the public purpose for the amendment. The motion shall be forwarded to the city council which shall cause an ordinance to be prepared for its consideration.
- (3) *Petition on behalf of a property owner.* A petition to change the zoning classification of property by amendment to the zoning district map may be filed by the owner of such property or, with the written consent of the owner, the contract purchaser of the property or any agent of the owner.

### **Sec. 120-311. Requirements for petition to change zoning.**

- (1) *Filing of petition.* A petition to change the zoning classification of property shall be addressed to the city council and shall be filed with the city clerk in accordance with written procedures and in a standard format prescribed by the city council.
- (2) *Materials to accompany petition.* Every petition to change the zoning classification of property shall be accompanied by the following materials:
  - a. Required fee;
  - b. Certified plat of the property;
  - c. Statement of nature and extent of proposed change and reasons for change;
  - d. Preliminary site plan, as outlined in section 120-262 of this chapter.

- (3) *Processing of petition.* The city clerk shall forward the petition and accompanying materials to the city council, which shall cause an ordinance to be prepared for its consideration. The city clerk shall also forward a copy of the petition and related materials to the zoning administrator.

**Sec. 120-312. Posting of signs for change of zoning.**

In the case of a resolution of the city council, motion of the planning commission or petition on behalf of a property owner to change the zoning classification of 25 or less contiguous parcels of land, the zoning administrator shall, within two working days of the adoption of such resolution or motion of the filing of such petition, post at least one sign on the property involved. Such sign shall be placed so as to be visible and readable from the principal street abutting the property and shall indicate that a zoning change is pending, along with a statement that the city clerk may be contacted for further information. If such sign has been properly posed as required herein and is subsequently obliterated, removed or destroyed without the knowledge of the zoning administrator, such fact shall not affect the jurisdiction of the planning commission or the city council to hear and decide the case.

**Sec. 120-313. Consideration by planning commission.**

- (1) *Referral to commission.* No ordinance to amend the provisions of this chapter shall be acted upon by the city council unless the amendment has been referred to the planning commission for its review and recommendation.
- (2) *Report from zoning administrator.* The zoning administrator shall submit a copy of the related petition and accompanying materials, along with a written report describing the intent and general effect of the amendment, to the planning commission prior to its scheduled public hearing.
- (3) *Public notice and hearing.* Before taking action on any amendment referred to it by the city council, the planning commission shall give public notice as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall hold a public hearing thereon.
- (4) *Action by the commission.* The commission may recommend that the city council adopt or reject the proposed amendment or may recommend changes in the proposed amendment. Failure of the commission to consider the amendment and report to the city council within 90 days after the first regular meeting of the commission after the amendment was referred to it shall be deemed to be a recommendation of approval, unless the city council continues its consideration of the amendment for a longer period of time or the amendment has been withdrawn by the applicant prior to the expiration of such time period.

**Sec. 120-314. Action by city council.**

- (1) *Public notice and hearing.* Before taking action on any ordinance to amend the provisions of this chapter, the city council shall give public notice as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall hold a public hearing thereon. In the case of a proposed amendment to the zoning district map, the public notice shall state the general usage and density range permitted by the proposed amendment and the general usage and density range, if any, set forth in the comprehensive plan of the corresponding area.
- (2) *Final action.* After receiving a report from the planning commission and after giving public notice and holding a public hearing, the city council may adopt or reject the proposed amendment, or may make appropriate changes or corrections to the amendment, provided that no land may be zoned to a more intensive use classification nor shall a greater area of land be rezoned than was described in the public notice without referral to the planning commission and an additional public hearing after public notice as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended.
- (3) *Continuance or withdrawal.* Final action on any proposed amendment may be continued by the city council for good cause, provided that all resolutions, motions or petitions for amendments to the provisions of this chapter shall be acted upon and a decision made by the council within one year of the date of such resolution, motion or petition. This provision shall not apply if the petitioner requests or consents in writing to action beyond such period or if the resolution, motion or petition initiating the amendment is withdrawn by providing written notice to the city clerk. In the case of withdrawal, no further action on the amendment shall be necessary.

**Sec. 120-315. Joint public hearing.**

The city council and the planning commission may hold a joint public hearing on any proposed amendment, subject to the public hearing on any proposed amendment, subject to the public notice requirements of Section 15.2-2204 of the Code of Virginia, 1950, as amended.

**Sec. 120-316. Filing of new petition after rejection.**

Upon rejection by the city council of any proposed amendment to the zoning district map by petition of a property owner, contract purchaser or agent of a property owner, substantially the same petition shall not be considered again by the council within one year of the date of such rejection.

**Sec. 120-317. Fees.**

A filing fee in such amount as established by general rule by the city council shall be submitted with each petition to change the property.

## **DIVISION 2. CONDITIONAL ZONING**

### **Sec. 120-318. Purpose and intent.**

Pursuant to the provisions of Section 15.2-2286-2303 and Sections 15.2-2296 through 15.2-2302 of the Code of Virginia, 1950, as amended, the purpose of conditional zoning as set forth in this division is to recognize that frequently, where competing and incompatible uses may conflict, traditional zoning methods and procedures are inadequate; and that in such cases more flexible and adaptable zoning methods are needed to permit differing land uses, and at the same time to recognize the effects of change. It is, therefore, the intent of the provisions of this division to provide a more flexible and adaptable zoning method to cope with such situations, whereby a change in the zoning classification of property may be allowed subject to certain conditions proffered by the petitioner for the protection of the community that are not generally applicable to land similarly zoned. It is the intent of the city council that the provisions of this division shall not be used for the purpose of discrimination in housing.

### **Sec. 120-319. Procedures.**

- (1) *Conditions may be proffered.* In conjunction with a petition to change the zoning classification of property and as a part of a proposed amendment to the zoning district map, the owner of such property may voluntarily proffer in writing reasonable conditions in addition to the regulations provided for the zoning district by this chapter, provided that such conditions meet the criteria set forth in section 120-320 of this division.
- (2) *Submission of conditions.* The owner may submit such conditions at the time of submission of the petition to change the zoning classification of the property, or at such later time as may be allowed by policy of the city council, but in any event before the planning commission makes its recommendation on the petition to the city council.
- (3) *Modifications to conditions.* In the event that additions, deletions or modifications to such conditions are desired by the owner, they shall be made in writing to the planning commission and to the city clerk before the commission makes its recommendation to the city council. The city council may consider additional conditions, deletions or modifications to conditions after the planning commission makes its recommendation, provided that such are voluntarily proffered in writing prior to advertising the public hearing at which the city council is to consider the petition.

**Sec. 120-320. Permitted conditions.**

The planning commission may recommend and the city council may approve reasonable conditions voluntarily proffered by the owner of the property when such conditions meet the following criteria.

- (1) The rezoning itself must give rise to the need for the conditions.
- (2) All conditions shall have a reasonable relation to the zoning change.
- (3) No condition shall include a cash contribution to the city except for reimbursement for the cost of public improvements otherwise permitted to be required by the city by applicable provisions of Title 15.2 of the Code of Virginia, 1950, as amended.
- (4) No condition shall require mandatory dedication of real or personal property for open space, parks, schools, fire department or other public facilities not otherwise provided for in the subdivision regulations of the city pursuant to Section 15.2-2247 of the Code of Virginia, 1950, as amended.
- (5) No condition shall include payment for our construction of off –site improvements, except sewerage, water and drainage otherwise provided for by law pursuant to Section 15.2-2247 of the Code of Virginia, 1950, as amended.
- (6) No condition shall be proffered that is not related to the physical development or physical operation of the property.
- (7) All conditions shall be in conformity with the comprehensive plan of the city.

**Sec. 120-321. Records.**

The zoning district map shall show by appropriate symbol the existence of conditions attached to any change in the zoning classification of property. The zoning administrator shall maintain in his or her office and make available for public inspection during normal business hours a conditional zoning index, which shall provide ready access to the ordinance creating the conditions in each conditional zoning case, shall list all applicable conditions in each case and shall make reference to the regulations provided for in the district in which the property is located.

**Sec. 120-322. Enforcement and guarantees.**

The zoning administrator is hereby vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to any amendment to the zoning district map, including:

- (1) Ordering, in writing, compliance with such conditions or the remedy of any noncompliance;
- (2) Initiation of legal action to ensure compliance;
- (3) Requiring a guarantee or contract or both satisfactory to the city council for the construction of any physical improvements required by the conditions;
- (4) Denial of zoning permits and disapproval of building permits and certificates of use and occupancy as may be appropriate in any case where conditions or other applicable provisions of this chapter are not met.

**Sec. 120-323. Review of zoning administrator's decisions.**

Any person who is aggrieved by any decision of the zoning administrator pursuant to the provisions in section 120-322 may petition the city council for review of such decision by filing a petition with the zoning administrator and with the city clerk within 30 days of the decision. Such petition shall specify the grounds upon which the petitioner is aggrieved, and shall be heard by the city council at its first regular meeting after 15 days from the date of filing. In deciding any such case, the city council shall have the same authority as vested in the zoning administrator, but shall not modify or delete any condition attached to a zoning district map amendment except by formal amendment pursuant to the applicable provisions of this article.

**Sec. 120-324. Amendments and variations of conditions.**

All amendments and variations of conditions attached to a zoning district map amendment shall be made in the same manner as an original zoning district map amendment and in accordance with the provisions of this article and all applicable provisions of Title 15.2 of the Code of Virginia, 1950, as amended.