
DRAFT ZONING ORDINANCE

FOR PUBLIC REVIEW

OCTOBER 15, 2026

FOR PUBLIC REVIEW AND COMMENT
NOT ADOPTED

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ARTICLE A. General Provisions

SECTION 10-3-1. Title

This Chapter is the Zoning Ordinance for Harrisonburg, Virginia. References to “this Ordinance” or “this Chapter” are references to this Zoning Ordinance.

SECTION 10-3-2. Authority

The provisions of this Ordinance are authorized by Chapter 22, Title 15.2 of the Code of Virginia.

SECTION 10-3-3. Purpose and Intent

The purpose of this Ordinance is to promote the health, safety, and general welfare of the public and to accomplish the objectives of Section 15.2-2200 of the Code of Virginia. To these ends, this Ordinance 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, impounding structure failure, crime 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 and working waterfront development 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, impounding structure failure, 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 forestal 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 locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality 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;
- L. To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable; and
- M. To protect surface water and groundwater as defined in Section 62.1-255 of the Code of Virginia, consistent with applicable state water quality standards.

SECTION 10-3-4. Applicability

This Ordinance applies to all lands and structures in the City of Harrisonburg, Virginia.

SECTION 10-3-5. Abrogation and Conflicting Provisions

- A. **Minimum Requirements.** In interpreting and applying the provisions of this Ordinance, the provisions are deemed to be the minimum requirements for the promotion of the public safety, health, and general welfare.
- B. **Conflict with Private Agreements.** It is not the intent of this Ordinance to interfere with, limit, or invalidate any easements, covenants, or other agreements between parties. While other agreements may establish more restrictive provisions, where this Ordinance imposes a greater restriction than is imposed or required by easements, covenants, or other agreements, the provisions of this Ordinance shall govern.
- C. **Conflict with Other Regulations.** This Ordinance applies in addition to, and does not excuse compliance with, any other applicable City, Commonwealth, or federal laws, ordinances, or regulations. Whenever any provision of this Ordinance conflicts with another provision of this Ordinance, or with any other City, Commonwealth, or federal law, the more restrictive regulation governs.
- D. **Conflict within this Ordinance.** Notwithstanding the preceding subsection, where the text of this Ordinance conflicts with its tables, the text controls. Illustrative

materials are provided for demonstrative purposes only and are not a substantive part of this Ordinance.

SECTION 10-3-6. Severability

Should any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision does not affect the validity of the Ordinance as a whole, or any part of the Ordinance other than the provision held to be unconstitutional or invalid.

SECTION 10-3-7. Effective Date

This Ordinance becomes effective on [EFFECTIVE DATE].

SECTION 10-3-8. Transitional Provisions and Vesting

- A. **Violations Continue.** Any violation of the previous Zoning Ordinance continues to be a violation under this Ordinance, unless such violation complies with the express terms of this Ordinance. The adoption of this Ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Zoning Ordinance that occurred before the Effective Date.
- B. **Lands Remaining Subject to Prior Legislative Actions.**
 - 1. **Generally.** Lands designated “Maintains Existing Proffers and Entitlements” on the Official Zoning Map remain subject to the zoning ordinance as it existed prior to the effective date of this Zoning Ordinance, including any conditions imposed or proffers accepted by City Council, until City Council adopts a zoning map amendment for any or all of those lands pursuant to this Ordinance.
 - 2. **Institutional Overlay District.** Land subject to a master plan approved under the I-1 Institutional Overlay District of the zoning ordinance as it existed prior to the effective date of this Zoning Ordinance is designated “Maintains Existing Proffers and Entitlements” on the Official Zoning Map. An amendment to such a master plan may be approved only by a zoning map amendment to the Institutional Master Plan District.
 - 3. **Prior Special Use Permit.**
 - a. **Continuation.** A special use permit under the zoning ordinance in effect prior to the effective date of this Ordinance remains valid and is deemed a special exception approved under this Ordinance. All conditions City Council imposed or accepted remain in effect.

- b. **Period of Validity.** If the authorized use was not established before [EFFECTIVE DATE], the special exception expires on the date the special use permit would have expired under the prior ordinance.
- c. **Use Now Permitted By Right.** Where this Ordinance permits the authorized use by right, any conditions no longer apply and the use is subject to this Ordinance as any other permitted use.
- d. **Use No Longer Permitted.** Where this Ordinance does not permit the authorized use in the district, the use may continue in accordance with the special exception and its conditions as a nonconforming use.

C. Other Prior Approvals.

- 1. Nothing in this Ordinance or any amendment to this Ordinance requires any change in the plans, construction, or use of any structure in the event that:
 - a. A permit was lawfully issued or a plan or plat was lawfully approved before the effective date of this Ordinance;
 - b. The permit or approval did not expire by its own terms before the effective date; and
 - c. Construction pursuant to such permit or approval begins before the expiration of the permit or approval.
- 2. Upon completion, if the building, structure, or use does not meet the standards of this Ordinance, it is a nonconformity.

D. Pending Applications. This Ordinance, and any amendment to this Ordinance, applies to all applications pending as of its effective date, except as otherwise required by the Code of Virginia or as otherwise established by City Council in a resolution adopted contemporaneously with the Ordinance or amendment.

ARTICLE B. Zoning Districts and District Standards

SECTION 10-3-9. Official Zoning Map

- A. **Zoning Map.** The locations and boundaries of the various zoning districts under this Ordinance are hereby established as shown on the maps derived from digital source files maintained in the office of the Zoning Administrator entitled “Official Zoning Map of the City of Harrisonburg,” effective [EFFECTIVE DATE], as may be amended from time to time in accordance with this Ordinance.
- B. **Incorporation by Reference.** The “Official Zoning Map of the City of Harrisonburg,” as amended, known as the Official Zoning Map, is incorporated by reference and made a part of this Ordinance.
- C. **Zoning of Entire Jurisdiction.**
1. It is the intent of this Ordinance that the entire City of Harrisonburg, including all land, water areas, and waterways, be incorporated in the districts established by this Ordinance.
 2. Whenever any street, alley or other right-of-way is vacated by official action, the zoning district adjoining each side of the street, alley or right-of-way will automatically be extended to the center line of the vacation.
- D. **Zoning Map Interpretation.** Where uncertainty exists with respect to the boundaries of a zoning district as shown on the Official Zoning Map, the following rules apply:
1. Where a district boundary is indicated as approximately following the centerline of a street, alley, railroad, or highway, the centerline is the district boundary.
 2. Where a district boundary is indicated as approximately following the corporate limits line of the City of Harrisonburg, the corporate limit is the district boundary.
 3. Where a district boundary is indicated as approximately parallel to the right-of-way line of a street or highway, such line parallel to the right-of-way line is the district boundary, at a distance determined by use of the scale appearing on the Official Zoning Map.
 4. Where uncertainty continues to exist or where further interpretation is required, the Zoning Administrator will make a determination in accordance with Section 10-3-114.

- E. **Annexed Territory.** Any territory annexed by the City of Harrisonburg after the Effective Date of this Ordinance is automatically classified as Suburban Neighborhood (R-SN) until otherwise changed.

SECTION 10-3-10. Districts Established

The City is divided into the following zoning districts:

District	Abbreviation	Reference
RESIDENTIAL DISTRICTS		
Suburban Neighborhood	R-SN	Section 10-3-11
General Neighborhood	R-GN	Section 10-3-12
Urban Neighborhood	R-UN	Section 10-3-13
Attached Community	R-AtC	Section 10-3-14
Apartment Community	R-ApC	Section 10-3-15
MIXED USE DISTRICTS		
Mixed Use – Urban Village	MU-UV	Section 10-3-16
Mixed Use – Downtown	MU-D	Section 10-3-17
COMMERCIAL DISTRICTS		
Neighborhood Commercial	C-NC	Section 10-3-18
Auto-Urban Commercial	C-AU	Section 10-3-19
INDUSTRIAL DISTRICTS		
General Industrial	I-G	Section 10-3-20
INSTITUTIONAL DISTRICTS		
Institutional Master Plan	IMP	Section 10-3-21

SECTION 10-3-11. Suburban Neighborhood (R-SN)

- A. **Intent.** The Suburban Neighborhood (R-SN) District is intended for low-density residential development. The district emphasizes single-family development with dimensional standards that may accommodate infill and a variety of home sizes within a low-density residential character.
- B. **Dimensional Regulations.**

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Height	Minimum Setbacks		
				Front, Side Street	Side	Rear
Single-Family Detached	6,000	45	35	20	7*	20
Single-Family Attached	4,000	30	35	20	7*	20
Duplex	6,000	45	35	20	7*	20
All Other Uses	6,000	45	35	20	10	20

* For buildings up to 2 stories in height, the minimum side setback is 7 feet. For buildings of 3 or more stories, the minimum side setback is 10 feet for the entire building. The minimum side setback does not apply to a lot line occupied by a wall shared with a dwelling on an adjoining lot.

- C. **Exception to Minimum Side Setbacks.** For any lot with a principal dwelling lawfully established prior to [EFFECTIVE DATE] with a side setback of less than the minimum side setback, the minimum side setback is 5 feet or the actual minimum distance between the dwelling and the side lot line, whichever is greater.

SECTION 10-3-12. General Neighborhood (R-GN)

- A. **Intent.** The General Neighborhood (R-GN) District is intended to accommodate single-family detached, single-family attached, and duplex development, with limited townhouse and apartment dwellings. The district includes diverse neighborhood forms and permits the same uses as the Urban Neighborhood (R-UN) District with generally larger minimum lot standards.

B. **Dimensional Regulations.**

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Height	Minimum Setbacks		
				Front, Side Street	Side	Rear
Single-Family Detached	5,000	40	35	15	7*	20

Single-Family Attached	3,750	30	35	15	7*	20
Duplex	5,625	45	35	15	7*	20
Townhouse, Exterior	3,375	27	35	15	7*	20
Townhouse, Interior	2,500	20	35	15	0	20
Apartment Building	7,500	60	35	15	10	20
All Other Uses	7,500	60	35	15	10	20

* For buildings up to 2 stories in height, the minimum side setback is 7 feet. For buildings of 3 or more stories, the minimum side setback is 10 feet for the entire building. The minimum side setback does not apply to a lot line occupied by a wall shared with a dwelling on an adjoining lot.

- C. **Exception to Minimum Side Setbacks.** For any lot with a principal dwelling lawfully established prior to [EFFECTIVE DATE] with a side setback of less than the minimum side setback, the minimum side setback is 5 feet or the actual minimum distance between the dwelling and the side lot line, whichever is greater.

SECTION 10-3-13. Urban Neighborhood (R-UN)

- A. **Intent.** The Urban Neighborhood (R-UN) District is intended to accommodate medium-density residential development in areas with a traditional neighborhood character, including single-family detached, single-family attached, and duplex dwellings, with limited townhouse and apartment dwellings. The district promotes walkable, human-scale development on a traditional street grid with a mix of housing types.

B. **Dimensional Regulations.**

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Height	Minimum Setbacks		
				Front, Side Street	Side	Rear
Single-Family Detached	3,000	30	35	10	7*	20
Single-Family Attached	2,000	20	35	10	7*	20

Duplex	4,000	40	35	10	7*	20
Townhouse, Exterior	2,300	23	35	10	7*	20
Townhouse, Interior	1,600	16	35	10	0	20
Apartment Building	5,000	50	35	10	10	20
All Other Uses	5,000	50	35	10	10	20

* For buildings up to 2 stories in height, the minimum side setback is 7 feet. For buildings of 3 or more stories, the minimum side setback is 10 feet for the entire building. The minimum side setback does not apply to a lot line occupied by a wall shared with a dwelling on an adjoining lot.

C. Exception to Minimum Side Setbacks. For any lot with a principal dwelling lawfully established prior to [EFFECTIVE DATE] with a side setback of less than the minimum side setback, the minimum side setback is 5 feet or the actual minimum distance between the dwelling and the side lot line, whichever is greater.

D. Streetscape and Parking Placement.

1. Parking lots are prohibited between any principal building and the public street.
2. No building may have its rear façade facing a public street.

SECTION 10-3-14. Attached Community (R-AtC)

A. Intent. The Attached Community (R-AtC) District is intended to provide for higher-density attached residential development, including single-family attached dwellings and townhouses, through coordinated development sites that incorporate shared facilities, travelways, and efficient land use, while maintaining compatibility with surrounding neighborhoods.

B. Dimensional Regulations.

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Height	Minimum Setbacks		
				Front, Side Street	Side	Rear
Single-Family Attached	2,000*	25	40	30/10**	7***	25

Townhouse, Exterior	2,000*	25	40	30/10**	7***	25
Townhouse, Interior	2,000*	18	40	30/10**	0	25
All Other Uses	7,500	60	40	30	10	25

* Minimum lot area does not apply when the use is part of a development site approved after [EFFECTIVE DATE].

** Where the use is part of a development site approved after [EFFECTIVE DATE], the front setback for each residential lot is reduced to 10 feet, provided that all buildings are set back at least 30 feet from the public street.

*** For buildings up to 2 stories in height, the minimum side setback is 7 feet. For buildings of 3 or more stories, the minimum side setback is 10 feet for the entire building. The minimum side setback does not apply to a lot line occupied by a wall shared with a dwelling on an adjoining lot.

C. **Development Sites.** The minimum lot area does not apply to any residential lot within a development site approved after [EFFECTIVE DATE], provided the following are true:

1. **Density.** The development site may have up to 1 dwelling unit per 2,700 square feet.
2. **Townhouse Standards.** The development site complies with all requirements of Section 10-3-35.
3. **Governing Document.** Once approved, the site plan or zoning plan serves as the governing document for the development site. All density, dimensional requirements, and use regulations applicable to the development site and its internal lots are bound by the approved plan, unless and until formally amended or superseded.
4. **Modification and Future Development.** No portion of an approved development site may be used to calculate or satisfy the density, setback, or lot area requirements for any new, separate development site. Any future development using unbuilt density capacity within the original boundaries, or any proposal to sever acreage for use in a separate development, requires amendment to the governing documents and recordation of a new subdivision plat.

5. **Plat Recordation.** The subdivision plat for any development site approved under this Subsection must clearly delineate the outer boundary of the development site used for density calculations and include a note stating: “The density and development rights of the land within this boundary are governed by an approved plan. No portion of this development site may be used to satisfy the zoning requirements of any other property or development site.”

SECTION 10-3-15. Apartment Community (R-ApC)

- A. **Intent.** The Apartment Community (R-ApC) District is intended to accommodate garden-style apartment and multi-building residential developments.
- B. **Dimensional Regulations.**

Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Height	Minimum Setbacks		
				Front, Side Street	Side	Rear
Apartment Building	N/A*	60	40	30	10	25
All Other Uses	7,500	60	40	30	10	25

* See Section 10-3-33 for maximum density.

- C. **Non-Residential Uses.** Principal non-residential uses must be located on a separate lot from any residential use, except for uses in the Communications Use Category.
- D. **Building Separation.** All principal and accessory buildings on a lot with residential uses must be separated by at least 20 feet.
- E. **Streetscape and Parking Placement.**
1. Parking lots are prohibited between any principal building and the public street, unless another principal building completely separates the parking lot from the public street.
 2. No building may have its rear façade facing a public street, unless another principal building completely separates the building from the public street.

SECTION 10-3-16. Mixed Use Urban Village (MU-UV)

- A. **Intent.** The Mixed Use Urban Village (MU-UV) District encourages coordinated development and redevelopment that integrates a variety of housing types and

allows commercial and community uses scaled appropriately for a neighborhood setting. Development should emphasize walkable design, interconnected streets, and compatibility with surrounding neighborhoods, creating cohesive, mixed-use environments that can evolve over time while maintaining human scale.

B. Dimensional Regulations.

Standard	Requirement
Minimum Lot Area	N/A
Minimum Lot Width	N/A
Maximum Density	1 dwelling unit per 1,200 square feet of site area*
Maximum Building Height (Core Block)	60 feet
Maximum Building Height (Neighborhood Block)	40 feet
Minimum Front, Side Street Setback	0 feet
Maximum Front, Side Street Setback	15 feet
Minimum Side Setback	0 feet
Minimum Rear Setback	0 feet

* Site area is the total area within the MU-UV District shown on the regulating plan, including land dedicated or reserved for streets and alleys.

C. Block Designations.

1. **Core Blocks.** Any use allowed in the MU-UV District may be located on a Core Block. A use in the Commercial Use Classification may occupy space in a building fronting a street only along a Commercial Frontage.
2. **Neighborhood Blocks.** Only the following principal uses may be located on a Neighborhood Block:
 - a. Single-family detached, single-family attached, duplex, and townhouse dwellings; and
 - b. Uses in the Civic and Institutional Use Classification.

3. **Commercial Frontages.** A Commercial Frontage may be designated along any block face of a Core Block. A Commercial Frontage allows, but does not require, uses in the Commercial Use Classification.
4. **Corner Commercial.** A single establishment in the Commercial Use Classification, with no more than 2,500 square feet of gross floor area, may be located on the ground story of a building on a corner lot of a Neighborhood Block.

D. Streets and Blocks.

1. **Mid-Block Passages.** A block face longer than 600 feet must include a mid-block pedestrian passage. A mid-block pedestrian passage must be at least 15 feet wide, with a recorded public access easement. A mid-block pedestrian passage must be privately owned and maintained by an owners' association or under a recorded maintenance agreement.
2. **Private Streets.** A street shown on the regulating plan may be a private street only if all of the following are true:
 - a. The street does not continue an existing public street or provide a street connection to adjoining land;
 - b. A perpetual public access easement for pedestrians and vehicles is recorded; and
 - c. An owners' association or recorded maintenance agreement provides for maintenance of the street.
3. **Alleys.** Each alley must be privately owned and maintained by an owners' association or under a recorded maintenance agreement. A recorded easement must allow access by emergency vehicles and City service vehicles.

E. Building Frontage.

1. **Build-To Requirement.** Principal building facades must occupy at least 60 percent of each lot's street frontage, measured between the minimum and maximum front setbacks.
2. **Open Space Credit.** Up to 50 percent of the build-to requirement for a lot may be occupied by a plaza, courtyard, or outdoor dining area only if all of the following are true:
 - a. At least 50 percent of its area is hardscape;

- b. It includes seating; and
 - c. It is not used for parking, loading, drive aisles, or storage.
3. **Pedestrian Passages.** A mid-block pedestrian passage counts toward the build-to requirement.

F. Streetscape and Parking Placement.

- 1. **Location.** No parking lot or drive aisle may be located between a principal building and a street. Parking must be located within a parking garage or behind principal buildings. Parking is behind principal buildings if a principal building separates it from each adjoining street, except at vehicle access points.
 - 2. **Side Parking for Commercial Uses.** On a Core Block, a parking lot serving a use in the Commercial Use Classification may instead be located beside a principal building if all of the following are true:
 - a. No part of the parking lot is closer to the street than the building's front façade;
 - b. The parking lot's street frontage does not exceed 60 feet; and
 - c. A masonry wall at least 3 feet in height separates the parking lot from the street.
 - 3. **Residential Vehicle Access.** No driveway, garage, carport, or parking space serving a single-family detached, single-family attached, duplex, or townhouse dwelling may take vehicle access directly from a street. No garage door on such a dwelling may face a street.
- G. **Minimum Parking.** City Council may approve by special exception a reduction in the number of vehicle parking spaces required, where the applicant includes a parking demand study prepared by a professional engineer licensed in Virginia.
- H. **Minimum Site Area.** Land may be rezoned to MU-UV only if, once any proposed streets shown on the regulating plan are built, the land meets one of the following:
- 1. It forms at least one complete block; or
 - 2. It adjoins, or is directly across the street from, land zoned MU-UV or MU-D.
- I. **Regulating Plan.**
- 1. **Required.** Each application to rezone land to MU-UV must include a regulating plan, drawn to scale, showing:

- a. The boundaries of the district;
 - b. All existing and proposed blocks, streets, and alleys, with each street identified as public or private;
 - c. The designation of each block as a Core Block or Neighborhood Block;
 - d. The maximum number of dwelling units allocated to each block;
 - e. Each block face designated as a Commercial Frontage; and
 - f. The development phases, including any existing buildings and parking areas that will remain during an earlier phase.
2. **Conformity.** Every subdivision plat, site plan, and zoning plan must conform to the block designations, dwelling unit allocations, and Commercial Frontages shown on the approved regulating plan. Street, alley, and block lines may be adjusted to reflect final engineering, provided the adjustment keeps each block's designation, the general street network, and the street connections to adjoining land.
 3. **Allocation Among Lots.** A subdivision plat that divides a block into 2 or more lots must allocate the block's dwelling units among those lots. The total allocated to the lots may not exceed the block's allocation on the regulating plan.
 4. **Amendment.** The regulating plan, or any portion of the regulating plan, may be amended through the zoning map amendment process.

J. Phasing.

1. **Existing Buildings and Parking.** Buildings and parking areas shown on the regulating plan as remaining may continue until the phase that replaces them begins. Until then, they may be maintained and repaired, but not enlarged. They may be occupied by any existing use, any use allowed in the MU-UV District, or any use allowed under the land's prior zoning.
2. **Streets and Alleys.** Before the first certificate of occupancy is issued for any building on a block, all streets and alleys bordering or within that block must be dedicated or recorded, and built or bonded.

SECTION 10-3-17. Mixed Use Downtown (MU-D)

- A. **Intent.** The Mixed Use Downtown (MU-D) District provides for the City's urban activity center of concentrated commercial, office, civic, and residential uses.

Development should occur in a compact, walkable pattern with buildings oriented to the street, active ground-floor uses, and minimal front setbacks.

B. Dimensional Regulations.

Standard	Requirement
Minimum Lot Area	N/A
Minimum Lot Width	N/A
Maximum Building Height	75 feet*
Minimum Front, Side Street Setback	0 feet
Minimum Side Setback	0 feet
Minimum Rear Setback	0 feet

*Maximum building height may be increased by Special Exception in accordance with Section 10-3-65.

- C. Streetscape and Parking Placement.** Parking lots are prohibited between the front façade of any principal building and the public street. If a lot has multiple street frontages, a parking lot is permitted between the principal building and any side or rear lot line abutting the public street, provided it is separated from the public street by a masonry wall at least 3 feet in height.

SECTION 10-3-18. Neighborhood Commercial (C-NC)

- A. Intent.** The Neighborhood Commercial (C-NC) District is intended for small- and medium-scale commercial uses that serve nearby neighborhoods, without introducing undue auto-oriented or high-impact uses. Development should be compatible in scale and design with surrounding residential areas, emphasizing pedestrian access where feasible.

B. Dimensional Regulations.

Standard	Requirement
Minimum Lot Area	N/A
Minimum Lot Width	200 feet*
Maximum Building Height	35 feet
Minimum Front, Side Street Setback	20 feet

Minimum Side Setback	20 feet (0 feet if abutting a Commercial District)
Minimum Rear Setback	30 feet (0 feet if abutting a Commercial District)

*See Section 10-3-61 for exceptions to minimum lot width requirements based on access management conditions.

C. Streetscape and Parking Placement.

1. **General Standard.** No more than 1 drive aisle and 1 single-loaded row of parking spaces are permitted between a principal building and the public street.
2. **Apartment Building Standard.** Parking and drive aisles may occupy no more than 50 percent of the linear frontage between a principal building with apartment dwelling units and the public street.

SECTION 10-3-19. Auto-Urban Commercial (C-AU)

- A. **Intent.** The Auto-Urban Commercial (C-AU) District accommodates large-format retail, regional commercial centers, and similar developments typically located along major corridors. The district supports the incremental evolution of these corridors through special exceptions for residential uses where compatible as part of a larger transition toward a more integrated, pedestrian-oriented design.

B. Dimensional Regulations.

Standard	Requirement
Minimum Lot Area	N/A
Minimum Lot Width	200 feet*
Maximum Building Height	75 feet**
Minimum Front, Side Street Setback	20 feet
Minimum Side Setback	10 feet (30 feet if abutting a Residential District)
Minimum Rear Setback	10 feet (30 feet if abutting a Residential District)

*See Section 10-3-61 for exceptions to minimum lot width requirements based on access management conditions.

**Maximum building height may be increased by Special Exception in accordance with Section 10-3-65.

- C. **Height-Based Step-Backs.** Where a lot abuts a Residential District, any portion of a building exceeding 35 feet in height must be set back an additional 1 foot for every 1 foot of height above 35 feet. This requirement may be met by stepping back the upper stories of the building.

SECTION 10-3-20. General Industrial (I-G)

- A. **Intent.** The General Industrial (I-G) District provides areas for manufacturing, processing, distribution, and related industrial activities that may not be appropriate in residential or mixed-use settings. The intent is to preserve land for employment uses, ensure adequate access and buffering, and minimize potential conflicts between industrial operations and adjacent uses.

B. Dimensional Regulations.

Standard	Requirement
Minimum Lot Area	N/A
Minimum Lot Width	200 feet*
Maximum Building Height	75 feet**
Minimum Front, Side Street Setback	20 feet
Minimum Side Setback	10 feet (30 feet if abutting a Residential District)
Minimum Rear Setback	10 feet (30 feet if abutting a Residential District)

*See Section 10-3-61 for exceptions to minimum lot width requirements based on access management conditions.

**Maximum building height may be increased by Special Exception in accordance with Section 10-3-65.

- C. **Height-Based Step-Backs.** Where a lot abuts a Residential District, any portion of a building exceeding 35 feet in height must be set back an additional 1 foot for every 1 foot of height above 35 feet. This requirement may be met by stepping back the upper stories of the building.

SECTION 10-3-21. Institutional Master Plan (IMP)

- A. **Intent.** The Institutional Master Plan (IMP) District provides for the development of colleges and universities, private schools, and other institutional campuses.
- B. **Master Plan Required.** City Council may approve a zoning map amendment to the IMP District only concurrently with an institutional master plan for the land to be classified.
- C. **Effect.** The approved institutional master plan governs development within the district. Development must comply with the dimensional standards, use locations, and off-street parking requirements stated in the plan, which apply in place of any standard that would otherwise apply under this Ordinance. All other requirements of this Ordinance continue to apply.
- D. **Contents.** An institutional master plan must be drawn to scale and must include the following:
 - 1. The boundaries of the district and the ownership of the land within it;
 - 2. All existing and proposed streets and alleys within and adjacent to the district;
 - 3. The location and use of each existing building, and the approximate location, footprint, height, dimensions, and general use of each proposed building or addition to an existing building;
 - 4. The dimensional standards that apply to all development within the district, including at least the minimum setback from each district boundary and each public street and the maximum building height;
 - 5. The approximate location and capacity of each existing and proposed parking facility, and the off-street parking requirement for the district;
 - 6. All existing and proposed points of vehicular access to public streets and alleys;
 - 7. The general use and location of existing and proposed open space; and
 - 8. Any screening, buffering, or retained natural area intended to address compatibility with adjoining property.
- E. **Amendments.**
 - 1. **Generally.** An amendment to an approved institutional master plan, including the addition of land to the district, requires a zoning map amendment.

2. **Minor Amendments.** The Zoning Administrator may approve the following amendments without a zoning map amendment:

- a. Relocating a proposed building, provided the building is moved no closer to the district boundary and complies with the dimensional standards of the approved institutional master plan;
- b. Changing the number or location of parking spaces, provided the total remains at least the number required by the master plan;
- c. Relocating a travelway that does not create a new point of vehicular access to a public street; and
- d. Substituting one use permitted in the district for another within an existing or approved building.

F. **Substantial Conformity.** Any subdivision, site plan, or zoning plan for land within the district must substantially conform to the approved institutional master plan. Substantial conformity allows a reasonable margin for adjusting the location, footprint, and height of proposed buildings, travelways, and parking areas based on final engineering data, provided the adjustments maintain the general layout, use allocation, and pedestrian connectivity shown on the approved plan and comply with the dimensional standards of the plan.

ARTICLE C. Use Regulations

DIVISION 1. Use Tables

SECTION 10-3-22. Principal Uses, Buildings, and Structures, Generally

- A. **Relationship to Lot and Structure.** A single lot may contain more than one principal use and more than one principal structure, and a single structure may contain more than one principal use, except as otherwise provided in this Ordinance.
- B. **Single-Family Detached, Single-Family Attached, Duplex, and Townhouse.** A lot containing a single-family detached, single-family attached, duplex, or townhouse use is limited to one principal use and one principal building.

SECTION 10-3-23. Use Tables, Generally

- A. **Organization of Use Tables.** Section 10-3-24 and Section 10-3-25 organize the uses in each zoning district by Use Classification, Use Category, and Use.
 - 1. **Use Classifications.** Uses are organized into broad, general Use Classifications: Residential, Civic and Institutional, Commercial, Industrial, and Infrastructure and Utilities.
 - 2. **Use Categories.** Use Classifications are further divided into Use Categories, which describe the sub-groups of the Use Classification. For example, the Residential Use Classification is divided into Household Living and Group Living.
 - 3. **Uses.** Use Categories are divided into specific Uses.
- B. **Use Approvals.** The Use Tables establish the following use approvals:
 - 1. **Permitted.** A “P” indicates that the specific use is allowed by-right in the respective district.
 - 2. **Special Exception.** An “S” indicates that the specific use is allowed by special exception in the respective district.
 - 3. **Varies.** “P/S” indicates that the specific use is allowed by-right under certain conditions and is allowed by special exception under other conditions.
 - 4. **Prohibited.** An em dash (—) indicates that the specific use is prohibited in the respective zoning district.

- C. **Use-Specific Standards.** Some uses are subject to use-specific standards. Where a use has use-specific standards, the Use Table includes a cross-reference to the applicable use-specific standards.

SECTION 10-3-24. Residential Districts – Use Table

The use table in this Section lists all uses allowed within Residential Districts.

Use	R-SN	R-GN	R-UN	R-AtC	R-ApC	Standards
RESIDENTIAL USE CLASSIFICATION						
HOUSEHOLD LIVING						
Single-Family Detached	P	P	P	—	—	Section 10-3-32
Single-Family Attached	S	P	P	P	—	Section 10-3-32
Duplex	S	P	P	—	—	Section 10-3-32
Townhouse	—	S	S	P	—	Section 10-3-32, Section 10-3-35
Apartment Building	—	S	S	—	P/S	Section 10-3-32, Section 10-3-33
GROUP LIVING						
Boarding or Rooming House	S	S	S	—	—	
Independent Living Facility	—	—	—	S	S	
Recovery Residence	P/S	P/S	P/S	P/S	P/S	Section 10-3-34
RESIDENTIAL ACCESSORY USES						
Beekeeping	P	P	P	—	—	Section 10-3-28
Business Garden	P	P	P	P	P	Section 10-3-29
Homestay	P	P	P	P	P	Section 10-3-36
Home-Based Child Care, Small	P	P	P	P	P	
Home-Based Child Care, Large	S	S	S	S	S	
Home-Based Business	P	P	P	P	P	Section 10-3-30
Short-Term Rental	S	S	S	S	S	Section 10-3-36

CIVIC AND INSTITUTIONAL USE CLASSIFICATION						
COMMUNITY AND CULTURAL FACILITY USES						
Adult Day Support Center	S	S	S	S	P	
Child Day Care Center	S	S	S	P	P	
Community Center	S	S	S	S	P	
Private Club	S	S	S	S	S	
Religious Assembly	P	P	P	P	P	
MEMORIAL USES						
Cemetery	S	S	P	—	—	
COMMUNITY SERVICE USES						
Public Use	P	P	P	P	P	
Volunteer Rescue Squad	S	S	S	—	S	
EDUCATIONAL USES						
Public School	P	P	P	P	P	
COMMERCIAL USE CLASSIFICATION						
OFFICE AND SERVICE USES						
Financial Institution	—	S	S	—	S	
Personal Service	—	S	S	—	S	
Professional Office	—	S	S	—	S	
COMMERCIAL ACCESSORY USES						
Drive-Through Facility	—	—	—	—	—	Section 10-3-73
INFRASTRUCTURE AND UTILITIES USE CLASSIFICATION						
COMMUNICATIONS USES						
Small Cell Facility	P	P	P	P	P	Article C.Division 7
Concealed Wireless Facility	S	S	S	S	S	Article C.Division 7
Microcell, DAS, and Macrocell	S	S	S	S	S	Article C.Division 7

Telecommunications Tower	S	S	S	S	S	Article C.Division 7
Emergency Communications Tower	P	P	P	P	P	Article C.Division 7

SECTION 10-3-25. Non-Residential Districts – Use Table

The use table in this Section lists all uses allowed within Mixed Use, Commercial, Industrial, and Institutional Districts.

Use	MU-UV	MU-D	C-NC	C-AU	I-G	IMP	Standards
RESIDENTIAL USE CLASSIFICATION							
HOUSEHOLD LIVING							
Single-Family Detached	P	—	—	—	—	P	Section 10-3-32
Single-Family Attached	P	—	—	—	—	P	Section 10-3-32
Duplex	P	—	—	—	—	P	Section 10-3-32
Townhouse	P	P	S	—	—	P	Section 10-3-32, Section 10-3-35
Apartment Building	P	P	S	S	—	P	Section 10-3-32, Section 10-3-33
GROUP LIVING							
Recovery Residence	P/S	P/S	—	P/S	—	P	Section 10-3-34
Independent Living Facility	S	S	P	P	—	P	
RESIDENTIAL ACCESSORY USES							
Beekeeping	P	—	—	—	—	P	Section 10-3-28

Business Garden	P	P	P	P	—	—	Section 10-3-29
Homestay	P	P	P	P	—	—	Section 10-3-36
Home-Based Child Care, Small	P	P	P	P	—	—	
Home-Based Child Care, Large	S	S	S	S	—	—	
Home-Based Business	P	P	P	P	—	—	Section 10-3-30
Short-Term Rental	S	S	S	S	—	—	Section 10-3-36
CIVIC AND INSTITUTIONAL USE CLASSIFICATION							
COMMUNITY AND CULTURAL FACILITY USES							
Adult Day Support Center	P	P	P	P	—	P	
Child Day Care Center	P	P	P	P	—	P	
Community Center	P	P	P	P	S	P	
Private Club	S	P	S	—	—	—	
Religious Assembly	P	P	P	P	—	P	
MEMORIAL USES							
Funeral Home	S	S	S	P	—	—	
Cemetery	—	—	S	S	S	—	
Crematory	—	—	—	S	S	—	
INSTITUTIONAL CARE AND SUPPORT SERVICE USES							
Assisted Living Facility	S	S	S	S	—	P	
Crisis Center	S	P	—	—	S	—	
Hospital	—	—	—	S	S	P	
Residential Treatment Facility	—	S	—	S	S	P	
Nursing Home	S	S	P	P	—	P	
COMMUNITY SERVICE USES							

Public Use	P	P	P	P	P	P	
Volunteer Rescue Squad	—	—	—	S	S	—	
EDUCATIONAL USES							
Public School	P	P	P	P	P	P	
College or University	—	—	—	—	—	P	
Private School	—	—	—	—	—	P	
Training Facility or Vocational School	—	—	—	P	P	P	Section 10-3-37
COMMERCIAL USE CLASSIFICATION							
OFFICE AND SERVICE USES							
Financial Institution	P	P	P	P	—	—	
Household Repair Service	P	P	P	P	—	—	Section 10-3-40
Medical Office	P	P	P	P	—	P	
Personal Service	P	P	P	P	—	—	
Professional Office	P	P	P	P	S	P	
Radio or Television Station or Studio	—	P	P	P	—	—	Section 10-3-42
RETAIL USES							
Grocery Store	P	P	P	P	—	—	
Pharmacy	P	P	P	P	—	P	
Tobacco, Smoke, or Vape Shop	S	S	S	S	—	—	Section 10-3-44
Home Improvement Store	—	—	P	P	P	—	
Adult Business	—	—	—	S	—	—	Section 10-3-38
Retail, General	P	P	P	P	P	—	Section 10-3-43
ENTERTAINMENT AND RECREATION USES							
Commercial Recreation, Indoor	S	P	S	P	—	—	

Commercial Recreation, Outdoor	S	S	S	P	S	—	
Golf Course	S	S	S	S	S	—	
Health and Exercise Facility	P	P	P	P	S	P	
Museum or Gallery	P	P	P	P	—	P	
ANIMAL SERVICE USES							
Animal Kenneling and Training	—	—	—	S	P	—	
Animal Shelter	—	—	—	S	P	—	
Pet Adoption	P	P	P	P	—	—	Section 10-3-41
Pet Grooming	P	—	P	P	P	—	
Veterinary Hospital	S	—	P	P	P	—	
FOOD SERVICE AND HOSPITALITY USES							
Brewery, Distillery, or Winery	P	P	P	P	P	—	Section 10-3-39
Catering, Takeout-Only, and Delivery-Only Kitchen	P	P	P	P	—	—	
Hotel or Motel	S	P	—	P	—	—	
Restaurant	P	P	P	P	S	—	
VEHICLE SERVICE USES							
Car Wash	—	—	—	P	—	—	
Vehicle Fuel Station	—	S	S	P	P	—	Section 10-3-45
Vehicle Repair and Maintenance	—	—	—	P	P	—	Section 10-3-46
Vehicle Sales and Rental	—	—	—	P	P	—	Section 10-3-47
Vehicle Service Station	—	—	S	P	—	—	Section 10-3-48
COMMERCIAL ACCESSORY USES							

Drive-Through Facility	S	—	S	P	P	—	Section 10-3-73
INDUSTRIAL USE CLASSIFICATION							
LIGHT INDUSTRIAL AND LOGISTICS USES							
Airport or Heliport	—	—	—	—	S	—	
Building and Materials Supplier	—	—	—	S	P	—	
Contractor's Storage Yard or Service Shop	—	—	—	—	P	—	
Data Center	—	—	—	—	S	—	
Micromanufacturing	P	P	P	P	P	—	Section 10-3-49
Plant Nursery or Greenhouse	—	—	—	—	P	—	
Retail Showroom	—	—	—	P	S	—	
Self-Service Storage	—	—	—	S	P	—	
Solar Facility	—	—	—	—	S	—	
Warehousing and Freight Movement	—	—	—	—	P	—	
Wholesale	—	—	—	—	P	—	
GENERAL AND HEAVY INDUSTRIAL USES							
Feed Mill	—	—	—	—	P	—	
Heavy Equipment Yard	—	—	—	—	P	—	
Manufacturing	—	S	—	S	P	—	
Salvage or Scrap Yard	—	—	—	—	S	—	Section 10-3-50
Meat Processing, General	—	—	—	—	S	—	
Meat Processing, Poultry	—	—	—	—	P	—	
Storage or Impound Lot	—	—	—	—	P	—	Section 10-3-51
Waste-Related Service	—	—	—	—	S	—	

INFRASTRUCTURE AND UTILITIES USE CLASSIFICATION							
COMMUNICATIONS USES							
Small Cell Facility	P	P	P	P	P	P	Article C.Division 7
Concealed Wireless Facility	P	P	P	P	P	P	Article C.Division 7
Microcell, DAS, and Macrocell	P	P	P	P	P	P	Article C.Division 7
Telecommunications Tower	S	S	S	S	P	S	Article C.Division 7
Emergency Communications Tower	P	P	P	P	P	P	Article C.Division 7

SECTION 10-3-26. New and Unlisted Uses

- A. **Classification Required.** No principal use that is not listed in the use tables may be established, and no approval for such a principal use may be issued, unless the Zoning Administrator has classified the use by written zoning determination in accordance with this Section.
- B. **Classification Standards.** The Zoning Administrator may classify a proposed use as the listed use that it most closely resembles in nature, function, and external impact. A use classified under this Section is subject to the same requirements of this Ordinance applicable to the listed use to which it is classified.
- C. **No Equivalent Listed Use.** If the Zoning Administrator determines that the proposed use does not closely resemble any listed use, the use is not allowed and the Zoning Administrator may issue a written determination to that effect.

DIVISION 2. Accessory Uses

SECTION 10-3-27. Accessory Uses, Buildings, and Structures, Generally

- A. **Generally Permitted.** Unless qualified by another provision of this Ordinance, accessory uses, buildings, and structures are permitted in any zoning district, subject to the standards in this Section.
- B. **Relationship to Principal Use.**
 - 1. Accessory uses, buildings, and structures are allowed only in connection with, incidental to, and on the same lot as a principal use or structure. The principal use or structure must be permitted in the district where the accessory use or structure is located, or must lawfully exist as a nonconforming use.
 - 2. No accessory structure may be occupied or used unless the principal use or structure to which it is accessory is occupied or used.
- C. **Easements.** No accessory structure may encroach into a recorded easement.
- D. **Lots Under Common Ownership.** When 2 or more contiguous lots are under common ownership, the lots are treated as a single lot for the purposes of this Division, for so long as the lots continue to remain under common ownership. Whenever common ownership ceases, any accessory structure or use on a lot without a principal structure or use must be removed or brought into full compliance with this Ordinance.
- E. **Residential District Requirements.**
 - 1. On lots in Residential Districts:
 - a. Accessory buildings must be located in the rear yard; and
 - b. Accessory buildings and structures must be at least 5 feet from all lot lines.
 - 2. On lots in Residential Districts with a single-family detached dwelling, single-family attached dwelling, or duplex, no more than 30 percent of the required rear yard may contain accessory buildings or structures.
- F. **Through Lots.** On a through lot in a Residential District other than the R-UN District, an accessory building must meet the minimum front setback of the district.
- G. **Non-Residential District Requirements.** On lots in Non-Residential Districts, accessory buildings must adhere to the same setbacks as principal buildings, unless more specific requirements are provided elsewhere in this Ordinance.

- H. **Nonconforming Residential Uses in Non-Residential Districts.** On a lot in a Non-Residential District containing a lawfully established nonconforming single-family detached, single-family attached, or duplex dwelling, an accessory use, building, or structure is permitted to the same extent, and subject to the same standards, as it would be in the R-SN District.

SECTION 10-3-28. Beekeeping

- A. **Applicability.** Construction and maintenance of beehives for the purpose of keeping honeybees is allowed as an accessory use in connection with a single-family detached dwelling or a nonconforming agricultural use, subject to the following regulations:
- B. **Generally.** The maximum number of beehives permitted on a lot is as follows:

Lot Size (sq. ft.)	Beehives Permitted
10,000 or less	2
Greater than 10,000 up to 30,000	4
Greater than 30,000 up to 50,000	6
Greater than 50,000 up to 90,000	8
Greater than 90,000	No restriction

- C. **Queen Mating.** An additional 2 beehives are permitted for not more than 60 consecutive days for the purpose of queen mating and swarm control.
- D. **Location and Maintenance.**
1. Beehives must be at least 10 feet from all lot lines, except that when associated with a nonconforming agricultural use, beehives must be at least 30 feet from all lot lines.
 2. Beehives must be located in the rear yard, unless associated with a nonconforming agricultural use.
 3. Whenever a beehive is 25 feet or closer to a lot line, a flyway barrier is required.
 - a. The flyway barrier must be constructed of solid fencing, dense evergreen vegetation, or a combination.
 - b. The flyway barrier must be at least 6 feet in height, measured from grade.
 - c. The flyway barrier must be located no more than 5 feet from the beehive and on the beehive entrance side.

- d. The flyway barrier must extend at least 3 feet beyond either side of the beehive entrance.
- 4. A water source, such as a birdbath, trickling fountain, or gravity-fed pet feeder, must be provided on the lot and within 20 feet of any beehive. The water source must provide an accessible and usable supply of water for the bees and be maintained so as not to harbor mosquitoes.
- E. **Permit Required.** Beekeeping is allowed only upon issuance of a zoning permit. An applicant must submit a complete application that includes:
 - 1. A zoning plan showing the proposed location of beehives, the water source, any required flyway barrier, and the lot lines. The zoning plan must show dimensions and setbacks sufficient to demonstrate compliance with this Subsection.
 - 2. A description or drawings of any required flyway barrier and water source.
- F. **Permit Duration.** Zoning permits for beekeeping are valid for one year upon issuance and may be renewed by submitting a renewal application prior to expiration.

SECTION 10-3-29. Business Garden

Business gardens must comply with all of the following:

- A. **Area Limitation.** The area used for a business garden, including accessory cultivation structures and exterior storage, compost, or disposal areas, may not exceed 50 percent of the lot. This area must be at least 5 feet from all lot lines.
- B. **Compost.** Compost may be produced to support a business garden's cultivation. No compost produced on the lot may be sold, distributed, or otherwise offered as a product of the business garden.
- C. **Off-Site Sales.** No commercial transactions or client interactions may take place on-site.
- D. **Permit Required.** A business garden is allowed only upon issuance of a zoning permit. The permit application must include a zoning plan designating the areas of the lot to be used for the business garden.

SECTION 10-3-30. Home-Based Business

- A. **Applicability.** This Section applies to all home-based businesses that are not subject to more specific use-specific standards elsewhere in this Ordinance. Where

another Section of this Ordinance specifically regulates a home-based business use, that Section controls.

B. Generally. A home-based business must comply with all of the following:

1. Any fabrication, assembly, or processing associated with the home-based business must occur entirely within the principal structure or an accessory structure.
2. The home-based business must be clearly incidental to the residential use of the dwelling.
3. No person other than a resident of the dwelling may work on the lot in connection with the home-based business.
4. No equipment may be used that creates noise, vibration, glare, odors, or other impacts perceptible beyond the lot.
5. No finished goods, materials, or equipment associated with the home-based business may be stored or displayed outside the principal building or an accessory building or structure.
6. No commercial transactions or client interactions may occur on the lot in connection with the home-based business, except that a home-based business involving professional counseling services or music lessons may have up to 10 clients per week.
7. No sign that identifies, advertises, or otherwise relates to the home-based business may be displayed on the lot.

SECTION 10-3-31. Portable Restrooms

- A. Applicability.** This Section applies to all portable restrooms except those located on active construction sites and those associated with emergencies and temporary events.
- B. Residential Districts.** Portable restrooms may not be located in any Residential District.
- C. Non-Residential Districts.** Portable restrooms in Non-Residential Districts must:
1. Meet all setbacks for principal buildings;
 2. Be set back at least 30 feet from any public street; and
 3. Be set back at least 30 feet from any Residential District.

DIVISION 3. Residential Uses

SECTION 10-3-32. Dwelling Occupancy

The maximum occupancy of any single dwelling is limited as follows, unless modified by another Section of this Ordinance:

- A. **R-AtC, R-ApC, MU-D, and C-AU Districts.** In the R-AtC, R-ApC, MU-D, and C-AU Districts, occupancy is limited to 1 family, or up to 4 unrelated individuals.
- B. **All Other Districts.** In all other districts, occupancy is limited to 1 family plus up to 2 unrelated individuals, or up to 3 unrelated individuals.
- C. **Residential Facilities.** A residential facility that Virginia Code § 15.2-2291 requires to be treated as a residential occupancy by a single family constitutes 1 family for the purposes of this Section.

SECTION 10-3-33. Apartment Buildings

- A. **R-GN and R-UN Districts.** In the R-GN and R-UN Districts, no lot may contain more than 5 apartment dwelling units.
- B. **R-ApC District.** In the R-ApC District, apartments are subject to the following requirements:
 - 1. **Maximum Density.**
 - a. **Generally.** The density may not exceed 1 dwelling unit per 3,000 square feet of lot area.
 - b. **Special Exception.** A density of up to 1 dwelling unit per 1,800 square feet of lot area may be approved by special exception.
 - 2. **Units per Building.**
 - a. **Generally.** An apartment building may contain up to 12 dwelling units per building.
 - b. **Special Exception.** An apartment building may contain more than 12 dwelling units by special exception.
 - 3. **Community Amenities.**
 - a. A community amenity may be located on a lot with an apartment building as an accessory use.

- b. A community amenity must comply with the same height, setback, location, and building separation requirements as an apartment building.
 - c. Community amenities solely for the use of residents and their guests do not require additional off-street parking.
- C. **C-AU District.** In the C-AU District, apartments are subject to the following requirements:
 - 1. **Maximum Density.** The density may not exceed 1 dwelling unit per 1,200 square feet of lot area.
 - 2. **Special Exception Standards.** The following requirements apply to all applications for apartments in the C-AU District:
 - a. **Development Plan Required.** The applicant must submit a regulating plan drawn approximately to scale indicating the following:
 - i. The proposed apartment building footprint;
 - ii. The number of stories of all proposed buildings;
 - iii. Any accessory facilities;
 - iv. All travelways and parking areas; and
 - v. A pedestrian circulation system demonstrating how pedestrian traffic between the apartment building or buildings and adjacent commercial uses and streets will be accommodated.
 - b. **Substantial Conformity.** Once approved, any subdivision, site plan, or zoning plan must substantially conform to the approved regulating plan. Substantial conformity allows a reasonable margin for adjustment based on final engineering data, provided the adjustments maintain the general layout, density, number of stories, dwelling unit configurations, travelways and parking areas, and pedestrian connectivity shown on the approved plan.
- D. **C-NC District.** In the C-NC District, apartments are subject to the following requirements:
 - 1. **Maximum Density.** The density may not exceed 1 dwelling unit per 4,500 square feet of lot area.
 - 2. **Ground Floor Commercial Use.** Apartment dwelling units may be located only within a building where at least 75 percent of the gross floor area of the ground

story is occupied by a use in the Commercial Use Classification that is permitted in the district, by a child day care center, or both. Areas serving the building as a whole, including corridors, stairways, elevators, and mechanical, utility, and trash rooms, may not count toward the 75 percent. A use in the Vehicle Service Use Category may not be located on the ground story of the building.

3. **Street Interface.** No rear façade of an apartment building may face a public street.

SECTION 10-3-34. Recovery Residence

- A. **Certification Required.** A recovery residence must be certified as a recovery residence by the Virginia Department of Behavioral Health and Developmental Services.
- B. **Occupancy.** A recovery residence may be occupied by no more than 8 adults and the dependent children of those adults. There is no limit on the number of dependent children.
- C. **Greater Occupancy.** Occupancy by more than 8 adults requires a special exception.

SECTION 10-3-35. Townhouses

- A. **Applicability.** This Section establishes design, access, and governance requirements that apply to any development site containing townhouses wherever permitted in this Ordinance. The requirements in this Section supplement the requirements of the applicable zoning district.
- B. **Single-Family Attached Dwellings.** A single-family attached dwelling located within a development site that includes townhouses is subject to this Section as though it were a townhouse.
- C. **Design and Layout Standards.** Townhouses are subject to the following requirements:
 1. **Lot Configuration.** Each dwelling must be located on its own lot.
 2. **Grouping.** A series of contiguous townhouse dwellings may contain no more than 8 dwelling units.
 3. **Architectural Variation.** The front façade of all dwellings must be varied in material and design such that no more than 2 abutting units have the same architectural appearance and established setback. Variations in established

setbacks must be at least 2 feet offset from adjoining units as measured at the principal foundation line of each unit.

4. **Street Interface.** No rear façade of a dwelling may face a public street.

D. **Detached Rear Garages.** Detached garages located in the rear yard are subject to the following standards:

1. A garage may be attached to a garage on an adjoining lot within the same series of townhouse dwellings.
2. No garage may occupy more than 50 percent of the rear yard of the lot on which it is located.
3. The garage must be separated from the principal building by at least 15 feet.
4. The garage must meet the following minimum setbacks:
 - a. Any public street: The front setback of the district.
 - b. Any side lot line shared with an adjoining lot within the same series of townhouse dwellings: 0 feet.
 - c. Any other lot line: 5 feet.

E. **Street Access.**

1. **Direct Access Prohibited.** No townhouse may have direct driveway access to a public street. Any driveway serving a townhouse must connect to a private street, shared drive aisle, or alley.
2. **Required Recordation.** As a condition of subdivision approval, the subdivider must record an instrument in the land records of the Rockingham County Circuit Court that provides notice to all future owners of the lot that no individual driveway connection to the public street will be approved for any townhouse lot within the subdivision.

F. **Common Areas and Governance.** A property owners' association must be established unless all townhouse lots in a development site adjoin an improved public alley.

1. **Generally.**

- a. Shared parking areas, private streets, drive aisles, alleys, playgrounds, stormwater management facilities, public street access, and any other

common facilities must be platted as a separate common area and owned in fee simple by the property owners' association.

- b. No shared or common facilities may be located on a single-family detached, single-family attached, duplex, or townhouse lot unless approved under alternative compliance.
 - c. Maintenance responsibilities, cost-sharing, enforcement authority, dispute resolution, and insurance obligations must be clearly identified in recorded documents.
2. **Alternative Compliance.** The Zoning Administrator may approve a recorded joint maintenance agreement and cross-access easement in lieu of the creation of a property owners' association under the following circumstances:
- a. The development site must consist of no more than 8 dwelling units;
 - b. Shared facilities may include only drive aisles, travelways, alleys, shared driveways, public street access, and shared parking areas; and
 - c. Recorded documents clearly identify:
 - i. Mutual access rights and restrictions;
 - ii. Allocation of maintenance, repair, and replacement costs;
 - iii. Procedures for routine and major work, including dispute resolution;
 - iv. Liability insurance requirements; and
 - v. Provisions binding successors in title.

SECTION 10-3-36. Homestay and Short-Term Rental

- A. **General Requirements.** The following requirements apply to all homestays and short-term rentals:
- 1. **Residency.** The property must serve as the operator's primary residence. Operators must provide a valid state-issued identification card reflecting the property as their principal place of residence.
 - 2. **Operator Presence.** Operators who do not own the property must remain on-site during the entire lodging period.
 - 3. **Stay Duration.** Lodging contracts are limited to a maximum of 29 consecutive nights.

4. **Food Service.** Any food or beverage service is restricted exclusively to lodging guests.
 5. **Events.** The property may not be marketed or used for weddings, receptions, parties, or other events, except where such events are specifically authorized by special exception.
- B. **Homestay Requirements.** The following additional requirements apply to all homestays:
1. **Occupancy Limit.** No more than 4 guests are permitted at any one time.
 2. **Annual Cap.** The property may not be rented for more than 90 nights per calendar year.
- C. **Registration.** The operator of a homestay or short-term rental must register with the Department of Community Development prior to operation, unless exempt pursuant to Section 15.2-983(B)(2) of the Code of Virginia.
1. Registrations are valid from the date of registration through December 31.
 2. Registration must be renewed annually by March 1.
 3. Each registration is specific to the operator and the property and is nontransferable.

DIVISION 4. Civic and Institutional Uses

SECTION 10-3-37. Training Facility or Vocational School

In the C-AU District, all training facility or vocational school activities must take place completely within an enclosed building, except by special exception.

DIVISION 5. Commercial Uses

SECTION 10-3-38. Adult Business

No adult business may be established, and no special exception for an adult business may be approved, within 1,000 feet of any public school, private school, child day care center, or religious assembly. This distance is measured as the shortest straight line between the boundary line of the lot where the adult business is proposed and the boundary line of the lot containing the public school, private school, child day care center, or religious assembly.

SECTION 10-3-39. Brewery, Distillery, or Winery

- A. **I-G District.** In the I-G District, tasting rooms and accessory food sales may not exceed 5,000 square feet.
- B. **All Other Districts.** In all other districts, a brewery, distillery, or winery must include a tasting room, which may include accessory food sales, comprising no less than 20 percent of the gross floor area.

SECTION 10-3-40. Household Repair Service

- A. **Enclosed Operations.** All repair work must take place within an enclosed structure.
- B. **Outdoor Storage.** Goods awaiting repair or pickup, parts, and discarded materials may not be stored outdoors.

SECTION 10-3-41. Pet Adoption

In the MU-D District, pet adoption is limited to cats.

SECTION 10-3-42. Radio or Television Station or Studio

In the MU-D District, all antennas, satellites, and equipment associated with a radio or television station or studio must be screened.

SECTION 10-3-43. Retail, General

In the I-G District, retail must be accessory to another principal use.

SECTION 10-3-44. Tobacco, Smoke, or Vape Shop

No tobacco, smoke, or vape shop may be within 1,000 feet of any public school, private school, or child day care center. This distance is measured as the shortest straight line between the boundary line of the lot where the tobacco, smoke, or vape shop is proposed and the boundary line of the lot containing the public school, private school, or child day care center.

SECTION 10-3-45. Vehicle Fuel Station

In the MU-D District, vehicle fuel stations are subject to the following requirements:

- A. **Accessory Use Only.** A vehicle fuel station may be established only as an accessory use to a permitted principal use on the same lot.
- B. **Corner Lot Required.** A vehicle fuel station may be located only on a corner lot.
- C. **Maximum Pumps.** A vehicle fuel station may have no more than 6 pumps.

- D. **Canopy Size.** The footprint of a canopy over the pumps may not exceed 85 percent of the building footprint of the principal building.

SECTION 10-3-46. Vehicle Repair and Maintenance

A. **Generally.**

1. All repair and maintenance activity must be conducted within an enclosed building.
2. Vehicles may not be dismantled for parts.
3. Inoperable vehicles not intended for repair at the establishment may not be stored.

B. **C-AU District.** In the C-AU District, the following restrictions apply:

1. No more than 2 inoperable vehicles may be stored outdoors.
2. No inoperable vehicle may be stored outside for more than 48 hours.
3. No major body work, frame straightening, painting, or welding may occur.

C. **I-G District.** In the I-G District, the outdoor storage of inoperable vehicles is limited to those areas designated on an approved zoning plan or site plan, which must comply with the following requirements:

1. Such areas must be located in the rear yard;
2. Such areas must be paved; and
3. Such areas must be screened on all sides by an opaque fence, wall, or other structural enclosure. The enclosure must be at least 6 feet tall. Any gate may have a gap of no more than 6 inches between the bottom of the gate and the ground surface.

SECTION 10-3-47. Vehicle Sales and Rental

A. **Inventory Display Areas.** An area used to display vehicles offered for sale, lease, or rental is an outdoor display and sales area.

B. **Accessory Maintenance and Repair.** Routine maintenance and minor mechanical repairs of inventory or for customers are permitted as an accessory use. These services may include oil changes, tire rotation and sales, brake repair, battery replacement, state inspections, and minor engine adjustments that do not require removal of the engine head or transmission.

C. Inoperable Vehicles.

1. No more than 2 inoperable vehicles may be stored outdoors.
2. No inoperable vehicle may be stored outside for more than 48 hours.

D. Prohibited Activity.

1. Painting, welding, or frame straightening may not occur.
2. Vehicles may not be dismantled or stripped, whether for parts or scrap.
3. Heavy equipment and specialized vehicles may not be sold, leased, or rented.

SECTION 10-3-48. Vehicle Service Station

A. Inoperable Vehicles.

1. No more than 2 inoperable vehicles may be stored outdoors.
2. No inoperable vehicle may be stored outside for more than 48 hours.

B. Prohibited Activity. No major body work, frame straightening, painting, or welding may occur.

DIVISION 6. Industrial Uses

SECTION 10-3-49. Micromanufacturing

The total space for production and storage of products and raw materials is limited to 2,000 square feet.

SECTION 10-3-50. Salvage or Scrap Yard

Any application for a special exception to allow a salvage or scrap yard must include the following information:

- A. Development Plan.** A regulating plan indicating all proposed storage and processing areas, existing and proposed structures, and vehicle access points. No zoning plan or site plan will be approved unless in substantial conformity with this development plan.
- B. Screening and Landscaping Proposal.** Detailed plans for opaque fencing, walls, and supplemental vegetative buffers designed to fully screen the salvage or scrap yard from adjacent properties and public rights-of-way.

- C. **Operations Statement.** Proposed days and hours of operation, a list of accepted and prohibited materials, types of heavy machinery to be used, and methods for mitigating dust, odor, and noise.

SECTION 10-3-51. Storage or Impound Lot

- A. **Designated Areas.** The outdoor storage of operable or inoperable vehicles is limited to those areas designated on an approved zoning plan or site plan, which must comply with the following requirements:

1. Areas designated for the outdoor storage of operable vehicles must comply with all setback requirements for principal buildings.
2. Areas designated for the outdoor storage of inoperable vehicles, or a combination of operable and inoperable vehicles, must be screened on all sides by an opaque fence, wall, or other structural enclosure. The enclosure must be at least 6 feet tall. Any gate may have a gap of no more than 6 inches between the bottom of the gate and the ground surface.
3. Areas designed for the outdoor storage of operable or inoperable vehicles must be paved.

- B. **Prohibited Activity.**

1. Vehicle parts may not be sold.
2. Vehicles may not be dismantled or scrapped.
3. Mechanical repair work may not be performed on vehicles.

DIVISION 7. Wireless Telecommunications Facilities

SECTION 10-3-52. Purpose

These standards regulate wireless telecommunications facilities to minimize negative community impacts while ensuring adequate service. The following are exempt from the requirements of this Ordinance:

- A. Telecommunications towers erected primarily for the Harrisonburg-Rockingham Emergency Communications Center.
- B. Temporary facilities required for government-declared emergencies.
- C. The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing

utility poles in compliance with national safety codes, which are exempt from any permitting requirements and fees.

SECTION 10-3-53. General Design Standards

The following standards apply to all wireless telecommunications facilities:

- A. **Lighting.** Artificial lighting may not be used unless legally required.
- B. **Signs.** No signs, graphics, or displays are permitted on the facility, except for safety, warning, or identification signs required by law.
- C. **Ground Equipment.**
 - 1. Central communications hubs must meet principal building setbacks and building height restrictions.
 - 2. Equipment cabinets and related ground structures must meet the accessory building setbacks and must be screened or camouflaged.

SECTION 10-3-54. Specific Facility Types

- A. **Small Cell Facilities, Microcell Facilities, and Collocated Facilities.** The following standards apply to all small cell, microcell, and collocated facilities:
 - 1. Must be collocated on existing structures (except for ground equipment).
 - 2. May not increase the height of the support structure by more than 5 feet.
 - 3. All collocated equipment must be camouflaged.
- B. **Concealed Wireless Facilities.** The following standards apply to all concealed wireless facilities:
 - 1. Must meet principal building setbacks and building height restrictions.
- C. **Telecommunication Towers.** The following standards apply to all freestanding telecommunication towers:
 - 1. **Collocation.** Towers must be engineered and constructed to accommodate at least 2 wireless service providers.
 - 2. **Structural Safety.** Towers must be designed to collapse upon themselves or within the smallest possible area in the event of structural failure. A structural engineer licensed in Virginia must certify this design.
 - 3. **Height Limits.**

- a. **I-G District.** Permitted by right up to 125 feet.
- b. **C-AU and MU-D Districts.** Permitted by right up to 75 feet. Heights exceeding 75 feet require a special exception.

SECTION 10-3-55. Operation, Maintenance, and Removal

- A. **Annual Reporting.** The property owner must submit a report to the Zoning Administrator annually by June 30. The report must detail the facility's user status, list all active tenants and their equipment, and identify any available collocation space.
- B. **Maintenance.** All required screening, landscaping, and camouflaging must be continuously maintained.
- C. **Defective or Unsafe Equipment.** Any component found to be defective or unsafe must be repaired immediately to comply with safety standards or removed within 30 days of written notice.
- D. **Abandonment.**
 - 1. A wireless telecommunications facility not operated for a continuous period of 24 months is considered an abandoned facility.
 - 2. An abandoned facility must be removed within 90 days of receipt of written notice and the site restored to its pre-construction or vegetative state.
 - 3. Written notice of an abandoned facility may be withdrawn where proof of operation is provided to the Zoning Administrator within 30 days of receipt of the written notice.

SECTION 10-3-56. Application and Submittal Requirements

- A. **Consolidated Applications and Fees.** An applicant may include up to 35 wireless telecommunications facilities on a single application. The application fee is \$100 per facility for the first 5 facilities, and \$50 for each additional facility.
- B. **General Submittal Requirements.** All applications for wireless telecommunications facilities must include the following:
 - 1. The name, address, phone number, and email address of the property owner, the applicant, and the intended owner of the facility.
 - 2. Written documentation from the property owner consenting to the installation of the facility and acknowledging the requirements of this Division.

3. A location map and elevation drawings prepared and certified by a professional engineer licensed in Virginia indicating:
 - a. The location, type, and height of all structures associated with the facility;
 - b. The facility's planned capacity and collocation potential;
 - c. On-site and abutting land uses;
 - d. Means of access;
 - e. The support structure's setbacks from the lot lines; and
 - f. All applicable American National Standards Institute technical and structural codes.
 4. A physical survey of the property, if erecting a new telecommunications tower or concealed wireless telecommunications facility.
 5. A screening plan.
 6. Photo simulations of the proposed facility.
 7. A written explanation of any camouflaging of the facility.
 8. Evidence that the applicant has contacted the Harrisonburg-Rockingham Emergency Communications Center (ECC) and verified the equipment will not interfere with ECC operations.
- C. **Special Exception Requirements.** In addition to the general submittal requirements, an application for a special exception must include:
1. A list of all property owners within one-quarter mile of the subject property.
 2. A description of how the facility fits into the applicant's telecommunications network.
 3. An explanation of why a by-right facility cannot meet the network's needs.
 4. Evidence that no existing structure can accommodate the facility, or that the applicant made diligent, good-faith efforts to negotiate collocation on an existing structure.
 5. A visual simulation test for any new telecommunication tower or new concealed facility. The applicant must coordinate with the Department of Community Development to schedule a time to raise a balloon to the proposed height, which may be subject to rescheduling for inclement weather.

SECTION 10-3-57. Eligible Facilities Requests (Section 6409)

- A. **Generally.** Modifications to existing eligible facilities under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)) must not substantially change the physical dimensions of the facility.
- B. **Substantial Change.** A modification is considered a substantial change if it meets any of the following criteria:
1. **Height.** If outside of public rights-of-way, the modification increases the height by more than 20 feet or 10 percent, whichever is greater. If in public rights-of-way, the modification increases the height by 10 feet or 10 percent, whichever is greater.
 2. **Width.** If outside of public rights-of-way, the modification protrudes from the edge of the support structure by more than 20 feet or the width of the support structure at the level of the protrusion, whichever is greater. If in public rights-of-way, the modification protrudes from the edge of the support structure more than 6 feet.
 3. **Cabinets.** The modification involves the installation of more than 4 new equipment cabinets.
 4. **Excavation.** The modification entails any excavation or deployment outside of the current site boundaries.
 5. **Concealment.** The modification defeats the existing concealment elements of the facility.
 6. **Prior Conditions.** The modification does not comply with conditions associated with the prior approval of the facility, unless the non-compliance is strictly due to an increase in height, width, or cabinets that is not itself a substantial change.
- C. **Application Requirements.** An application for a modification under this Section must include the following:
1. The name, address, and contact information of the property owner, the applicant, and the owner of the facility proposed for modification.
 2. Evidence demonstrating that the wireless telecommunications facility is an existing, eligible facility.

3. A location map and elevation drawings, prepared and certified by an engineer licensed in Virginia, depicting all existing equipment from all providers, and the proposed modifications.
4. A written narrative clearly demonstrating how the proposed modification does not constitute a substantial change.

ARTICLE D. Site Development Standards

SECTION 10-3-58. Alternative Front Setbacks

- A. **Applicability.** This Section applies to a lot on a block where the principal buildings and structures on that block are set back less than the district's required front setback.
- B. **Reduced Setback.** Where this Section applies, the required front setback for a lot may be reduced to either of the following:
 - 1. The average established setback of all principal buildings and structures on that block face; or
 - 2. The average established setback of the 2 nearest principal buildings or structures on that block face.

SECTION 10-3-59. Corner Lots

The front setback applied to a side street yard on a corner lot may not reduce the buildable width of the lot to less than 50 percent of the lot width.

SECTION 10-3-60. Dumpsters and Waste Receptacles

- A. **Applicability.** This Section applies to all dumpsters, trash compactors, and areas used to store multiple waste receptacles, which must be located entirely within a designated collection area.
- B. **Plan Required.** Every designated collection area must be clearly identified on an approved Zoning Plan or Site Plan. A designated collection area must serve a principal building or use. If located on a lot without a principal building, the zoning plan or site plan must identify those principal buildings or uses served.
- C. **Designated Collection Area.** A designated collection area is any space set aside for the placement, storage, or staging of any of the following, either individually or in any combination:
 - 1. 1 or more dumpsters;
 - 2. 1 or more trash compactors; or
 - 3. Multiple waste receptacles.
- D. **Screening.** A designated collection area must be screened on all sides by an opaque fence, wall, or other structural enclosure. The enclosure must be at least as

tall as the tallest container within the collection area and must include a closable gate. The gate may have a gap of no more than 6 inches between the bottom of the gate and the ground surface.

- E. **Measurement.** For the purposes of this Section, the boundaries of a designated collection area are measured from the outside face of the required screening.
- F. **Location.** A designated collection area is subject to the following location requirements:
 - 1. **Fire Lanes.** No designated collection area may be located within a designated fire lane.
 - 2. **Street Setback.**
 - a. **Lots with a Principal Building.** On a lot with at least 1 principal building:
 - i. A designated collection area may not be located in a front yard.
 - ii. A designated collection area may be located in a side street yard, or in a rear yard abutting a public street, only if it is set back from that street at least the minimum setback required for a principal building on that street frontage in the district.
 - b. **Lots without a Principal Building.** On a lot without a principal building:
 - i. In the MU-D District, a designated collection area must be set back at least 20 feet from any lot line abutting a public street.
 - ii. In all other districts, a designated collection area must be set back at least as far from the public street as the principal building nearest to that street within the same development site.
 - 3. **Interior Setbacks.** A designated collection area must be set back at least 5 feet from any lot line that does not abut a public street. This requirement does not apply in the MU-D District.

SECTION 10-3-61. Minimum Lot Width Exceptions

- A. **Intent.** The intent of this Section is to promote safe and efficient traffic circulation, reduce vehicle conflict points along public streets, and encourage coordinated development by limiting the proliferation of curb cuts on commercial and industrial lots.

- B. **Applicability.** In the C-AU, C-NC, and I-G Districts, the minimum lot width does not apply, provided the lot adheres to the requirements of this Section.
- C. **Subdivisions of Compliant Lots.** Where the original lot complies with the minimum lot width of the district, subdivision may create lots of any width, provided all resulting lots are subject to an agreement establishing shared access.
- D. **Subdivisions of Noncompliant Lots.** When the original lot does not comply with the minimum lot width of the district, subdivision may create lots of any width, provided all of the following conditions are met:
 - 1. All resulting lots must be subject to an agreement establishing shared access.
 - 2. All resulting lots must share a single entrance. If the original lot has more than 1 existing entrance, any excess entrances must be closed as a condition of subdivision.
 - 3. If the original lot has an existing access connection through a shared access across an adjoining lot, all resulting lots must use that existing, shared access.
- E. **Required Recordation.** An instrument establishing access and cross-use easements and joint maintenance agreements for all shared entrances and internal drive aisles must be recorded before a subdivision may be approved under this Section. The instrument must satisfy the Subdivision Agent and City Attorney. The instrument may be amended through a future subdivision or site plan approval.

SECTION 10-3-62. Outdoor Display and Sales

- A. **Location.** Outdoor display and sales must be located on the same lot as a principal use and a principal building or structure.
- B. **Pedestrian Clearance.** Outdoor displays and sales are prohibited in any required parking spaces, vehicle or pedestrian access, or landscaped area.
- C. **Designated Areas.** Outdoor display and sales are limited to those areas designated on an approved zoning plan or site plan. Converting an area designated for outdoor display and sales to vehicle parking is a parking lot expansion.

SECTION 10-3-63. Outdoor Storage

- A. **Applicability.** This Section applies to the outdoor storage of goods, materials, equipment, vehicles, and other items not actively displayed for sale. It does not apply to:

1. Temporary construction material or equipment on a site with a pending or active building permit;
 2. Dumpsters and waste receptacles;
 3. Outdoor display and sales; or
 4. Outdoor storage accessory to a residential use on the same lot, subject to the general accessory use standards.
- B. **Designated Areas.** Outdoor storage is limited to those areas designated on an approved zoning plan or site plan. Converting an area designated for outdoor storage to vehicle parking is a parking lot expansion.

SECTION 10-3-64. Projections Into Setbacks

- A. **Applicability.** A structure or feature listed in this Section may project into a required setback to the extent stated in this Section, notwithstanding the minimum setback for the applicable district.
- B. **Architectural Features.** A chimney, cornice, gutter, downspout, eave, buttress, or bay window may project up to 2 feet 8 inches into a required setback, provided the projection does not add floor area to the building.
- C. **Fire Escapes and Required Egress.** An uncovered, unenclosed fire escape or other required means of egress may project into a required setback.
- D. **Unenclosed Outdoor Features.** A terrace, patio, uncovered porch, deck, or uncovered swimming pool may project into a side or rear setback, provided it is at least 5 feet from any lot line.
- E. **Front Porches and Terraces.** An open, unenclosed, uncovered porch or paved terrace may project into a front setback, up to one-third of the minimum front setback.
- F. **Fuel Pumps and Pump Islands.** An uncovered, unenclosed fuel pump or pump island may be located within a required front setback, provided it is at least 15 feet from any lot line and at least 50 feet from any Residential District. A covered or enclosed fuel pump or pump island must meet the setbacks required for a principal building.

SECTION 10-3-65. Special Exceptions for Dimensional Standards

- A. **Residential Side Setbacks.** City Council may approve a special exception for reduced side setbacks for any residential use in any Residential or Mixed Use

District. In addition to the general standards of review, City Council must find that stipulations or conditions adequately address potential fire safety impacts.

- B. **Maximum Height.** In the MU-D, C-AU, and I-G Districts, City Council may approve a special exception for height in excess of the underlying district's dimensional regulations.

SECTION 10-3-66. Walls and Fences

- A. **Location and Sight Distance.** Walls and fences may be located in any yard, but no wall or fence may obstruct sight distance at any street intersection, alley, or driveway.
- B. **Maximum Height.** No wall or fence may exceed 6 feet in height.
- C. **Materials and Security Features.** No wall or fence in a Residential, Mixed Use, or Institutional District may contain barbed wire or be electrified.
- D. **Exceptions.**
 - 1. **Required Screening.** A wall or fence erected to satisfy a screening requirement under this Ordinance may exceed the maximum height, up to the height required by the applicable screening requirement.
 - 2. **Utility Facilities.** Walls and security fences enclosing utility substations, pumping stations, and similar utility facilities may exceed the maximum height and may include barbed wire or other security features.
 - 3. **Security Fences in C-AU and I-G Districts.** In the C-AU and I-G Districts, walls and fences used for safety and security purposes may exceed the maximum height.

ARTICLE E. Parking and Landscaping

SECTION 10-3-67. General Provisions

- A. **Applicability.** The following are subject to the requirements of this Article:
1. Any new structure or use;
 2. A change of use, where the vehicle or bicycle parking existing on the lot is less than the minimum required for the new use;
 3. Any expansion of a structure or use;
 4. A parking lot expansion; and
 5. A parking lot alteration.
- B. **Existing Parking Lots.**
1. **Generally.** A parking lot lawfully established before the effective date of this Ordinance may continue in its existing condition.
 2. **Parking Lot Expansions and Alterations.** A parking lot expansion or parking lot alteration subjects the parking lot to the requirements of this Article to the extent stated in each Section.
 3. **Expansions of Structures and Uses; Changes of Use.** An expansion of a structure or use, or a change of use, does not by itself subject an existing parking lot to the requirements of this Article. Where additional parking spaces are required to be constructed, the construction is a parking lot expansion or a parking lot alteration, and this Article applies to the extent stated in each Section.
- C. **Design and Construction Standards Manual.** Each parking lot, driveway, loading space, and bicycle parking space must be designed and constructed in accordance with the DCSM.

SECTION 10-3-68. Location of Required Parking and Shared Parking Areas

- A. **On-Site Parking Generally.** Required bicycle and vehicle parking spaces must be located on the same lot as the use they serve, except as provided in this Section.
- B. **Public Streets.** A parking space located within a public street may not count toward the minimum parking requirements of this Article.

C. **Shared Parking Areas.** Required bicycle and vehicle parking spaces may be located within a shared parking area serving more than one lot only if all of the following conditions are met:

1. Each lot served possesses a perpetual, recorded easement, declaration, or other instrument granting the right to use the shared parking area;
2. The right to use the shared parking area runs with the land, is appurtenant to each benefited lot, and is not subject to expiration;
3. The shared parking area is subject to change, revocation, or termination only with prior approval of the Zoning Administrator;
4. Vehicular and pedestrian access to the shared parking area is ensured through recorded access easements benefiting each lot served;
5. The shared parking area is maintained pursuant to a recorded agreement establishing maintenance obligations; and
6. The shared parking area and all lots served by the shared parking area are adjoining lots and not separated by public rights-of-way.

D. **Exceptions to the Adjoining Lot Requirement.**

1. **I-G District.** For uses located in the I-G District, a shared parking area is not required to be located on an adjoining lot. A shared parking area may be located on a lot separated from the use or uses served by a public street. Where the shared parking area is the only use on the lot, the lot must be located in a zoning district that permits vehicle parking as a principal use.
2. **MU-UV District.** In the MU-UV District, a shared parking area is not required to be located on an adjoining lot if the shared parking area and all lots it serves are within the MU-UV District. The shared parking area may be separated from the lots it serves by a public or private street.
3. **IMP District.** In the IMP District, a shared parking area is not required to be located on an adjoining lot if the shared parking area and all lots it serves are within the IMP District. The shared parking area may be separated from the lots it serves by a public or private street.
4. **Non-Residential Uses in Certain Areas.** Within the area bounded by Gay Street to the north, Mason Street to the east, Martin Luther King Jr. Way to the south, and High Street to the west, a shared parking area is not required to be located on an adjoining lot, if the shared parking area is located within a ¼ mile of the

use served, measured in a straight line from the nearest lot line of the shared parking area to the nearest lot line of the lot containing the use served.

- E. **Landscaping of Shared Parking Areas.** For the purposes of parking lot and parking garage landscaping, a shared parking area is treated as if located on a single lot.

SECTION 10-3-69. Minimum Parking Spaces

A. When Additional Parking Spaces Are Required.

1. **New Structures, Expansions, and Changes of Use.** Where a new structure or use, an expansion of a structure or use, or a change of use occurs, minimum vehicle and bicycle parking must be provided as follows:
 - a. The minimum number of vehicle and bicycle parking spaces must be calculated for all uses served by the same parking, including all uses served by a shared parking area;
 - b. Each existing vehicle and bicycle parking space servicing those uses counts toward the calculated minimum; and
 - c. Additional parking spaces must be provided only to the extent that the calculated minimum exceeds the number of existing spaces.
2. **Vehicle Parking for Parking Lot Expansions and Alterations.** A parking lot expansion or parking lot alteration does not by itself require additional vehicle parking spaces.
3. **Bicycle Parking for Parking Lot Expansions and Alterations.** Where a parking lot expansion or parking lot alteration occurs, the minimum bicycle parking spaces required by this Section must be provided for all uses the parking lot serves. Each existing bicycle parking space counts toward this minimum.
4. **Compliance of New Parking.** The construction of additional parking spaces is a parking lot expansion or a parking lot alteration, and is subject to the design and landscaping requirements of this Article to the extent stated in each Section.

B. Calculations.

1. **Vehicle Parking Spaces.** If the final calculated number of required vehicle parking spaces includes a fractional space, the number of required spaces must be rounded down to the nearest whole number.

2. **Bicycle Parking Spaces.** If the final calculated number of required bicycle parking spaces includes a fractional space, the number of required spaces must be rounded up to the nearest whole number.
3. **Eligible Parking Spaces.** The following vehicle parking spaces count toward the minimum vehicle parking requirements of this Article:
 - a. Parking spaces equipped with electric vehicle charging stations;
 - b. Parking spaces reserved for customer order pickup; and
 - c. Accessible parking spaces.
4. **Area Measurements.** Where the table in this Section uses area measurements, the following rules apply:
 - a. **Gross Floor Area (GFA).** The parking requirement is based on the gross floor area of all principal and accessory buildings and structures, excluding any area used for vehicle parking or vehicle circulation, whether or not enclosed.
 - b. **GFA and Outdoor Activity Area (GFA + OAA).** The parking requirement is based on the sum of the gross floor area and the outdoor activity area.
5. **Conflicting Requirements.** Where a use is subject to both a district-specific requirement and a use-specific requirement in the table, the district-specific requirement controls.
6. **Multiple Uses.** Where the same vehicle parking or bicycle parking serves 2 or more uses, including parking within a shared parking area, the required number of spaces must be calculated as follows:
 - a. The requirement for each use must be calculated separately, without rounding;
 - b. The requirements for all uses must be added together; and
 - c. The rounding rule for the applicable type of parking space must then be applied to the total.

C. Minimum Parking Spaces.

1. **MU-D District.** The MU-D District has no minimum vehicle parking space or bicycle parking space requirement.
2. **MU-UV District.** In the MU-UV District, the minimum number of vehicle parking spaces required by the table in this Section is reduced by 50 percent.

3. **Infrastructure and Utilities Use Classification.** The Infrastructure and Utilities Use Classification has no minimum vehicle parking space or bicycle parking space requirement.
4. **Certain Dwellings Exempt from Bicycle Parking.** Single-family detached, single-family attached, and duplex dwellings have no minimum bicycle parking space requirement.
5. **All Other Districts and Uses.** In all other districts and for all other uses, minimum vehicle and bicycle parking spaces must be provided as follows:

Use	Required Vehicle Parking Spaces	Required Bicycle Parking Spaces
RESIDENTIAL USE CLASSIFICATION		
HOUSEHOLD LIVING		
All Dwellings in R-AtC and R-ApC	0.85 per bedroom	1 per 6 dwelling units, or 4, whichever is greater
Single-Family Detached	1 per dwelling	N/A
Single-Family Attached	1 per dwelling	N/A
Duplex	1 per dwelling	N/A
Townhouse	1 per dwelling	1 per 6 dwelling units, or 4, whichever is greater
Apartment Building	1 per dwelling	1 per 6 dwelling units, or 4, whichever is greater
GROUP LIVING		
Boarding or Rooming House	0.85 per bedroom	1 per 6 bedrooms, or 4, whichever is greater
Independent Living Facility	1 per 3 beds	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Recovery Residence	The requirement for the dwelling in which the use is located	The requirement for the dwelling in which the use is located
RESIDENTIAL ACCESSORY USES		
Beekeeping	N/A	N/A
Business Garden	N/A	N/A

Homestay	N/A	N/A
Home-Based Child Care, Small	N/A	N/A
Home-Based Child Care, Large	N/A	N/A
Home-Based Business	N/A	N/A
Short-Term Rental	1 per accommodation space	N/A
CIVIC AND INSTITUTIONAL USE CLASSIFICATION		
COMMUNITY AND CULTURAL FACILITY USES		
Adult Day Support Center	1 per 300 sq. ft. GFA	4
Child Day Care Center	1 per 300 sq. ft. GFA	4
Community Center	1 per 250 sq. ft. GFA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Private Club	1 per 250 sq. ft. GFA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Religious Assembly	1 per 10 seats in primary assembly area	1 per 200 seats in primary assembly area, or 4, whichever is greater
MEMORIAL USES		
Funeral Home	1 per 10 seats in primary assembly area	4
Cemetery	N/A	N/A
Crematory	1 per 300 sq. ft. GFA	N/A
INSTITUTIONAL CARE AND SUPPORT SERVICE USES		
Assisted Living Facility	1 per 3 beds	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Crisis Center	1 per 3 beds	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Hospital	1 per 3 beds	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Residential Treatment Facility	1 per 3 beds	1 per 20,000 sq. ft. GFA, or 4, whichever is greater

Nursing Home	1 per 4 beds	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
COMMUNITY SERVICE USES		
Public Use	N/A	N/A
Volunteer Rescue Squad	1 per 500 sq. ft. GFA	2
EDUCATIONAL USES		
Public School	Determined by the School Board	Determined by the School Board
College or University	Determined by the institutional master plan	Determined by the institutional master plan
Private School	Determined by the institutional master plan	Determined by the institutional master plan
Training Facility or Vocational School	1 per 300 sq. ft. GFA	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
COMMERCIAL USE CLASSIFICATION		
OFFICE AND SERVICE USES		
Financial Institution	1 per 300 sq. ft. GFA	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Household Repair Service	1 per 300 sq. ft. GFA	2
Medical Office	1 per 300 sq. ft. GFA	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Personal Service	1 per 300 sq. ft. GFA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Professional Office	1 per 300 sq. ft. GFA	1 per 20,000 sq. ft. GFA, or 4, whichever is greater
Radio or Television Station or Studio	1 per 300 sq. ft. GFA	2
RETAIL USES		
Grocery Store	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Home Improvement Store	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater

Pharmacy	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Tobacco, Smoke, or Vape Shop	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Adult Business	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Retail, General	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
ENTERTAINMENT AND RECREATION USES		
Commercial Recreation, Indoor	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Commercial Recreation, Outdoor	1 per 250 sq. ft. GFA + OAA	4
Golf Course	4 per hole	4
Health and Exercise Facility	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Museum or Gallery	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
ANIMAL SERVICE USES		
Animal Kenneling and Training	1 per 500 sq. ft. GFA	2
Animal Shelter	1 per 500 sq. ft. GFA	2
Pet Adoption	1 per 500 sq. ft. GFA	2
Pet Grooming	1 per 500 sq. ft. GFA	2
Veterinary Hospital	1 per 300 sq. ft. GFA	2
FOOD SERVICE AND HOSPITALITY USES		
Brewery, Distillery, or Winery	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
Catering, Takeout-Only, and Delivery-Only Kitchen	1 per 500 sq. ft. GFA	2
Hotel or Motel	1 per room + 1 per 250 sq. ft. of dining or assembly space	4

Restaurant	1 per 250 sq. ft. GFA + OAA	1 per 10,000 sq. ft. GFA, or 4, whichever is greater
VEHICLE SERVICE USES		
Car Wash	1 per 500 sq. ft. GFA	2
Vehicle Fuel Station	1 per 250 sq. ft. GFA	2
Vehicle Repair and Maintenance	2 per service bay	2
Vehicle Sales and Rental	1 per 500 sq. ft. GFA	2
Vehicle Service Station	2 per service bay	2
COMMERCIAL ACCESSORY USES		
Drive-Through Facility	N/A	N/A
INDUSTRIAL USE CLASSIFICATION		
LIGHT INDUSTRIAL AND LOGISTICS USES		
Airport or Heliport	Determined by Special Exception	Determined by Special Exception
Building and Materials Supplier	1 per 500 sq. ft. GFA	2
Contractor's Storage Yard or Service Shop	1 per 1,000 sq. ft. GFA	2
Data Center	1 per 2,000 sq. ft. GFA	2
Micromanufacturing	1 per 500 sq. ft. GFA	2
Plant Nursery or Greenhouse	1 per 1,000 sq. ft. GFA + OAA	2
Retail Showroom	1 per 1,000 sq. ft. GFA	2
Self-Service Storage	1 per 2,000 sq. ft. GFA	2
Solar Facility	N/A	N/A
Warehousing and Freight Movement	1 per 2,000 sq. ft. GFA	2
Wholesale	1 per 1,000 sq. ft. GFA	2
GENERAL AND HEAVY INDUSTRIAL USES		
Feed Mill	1 per 1,000 sq. ft. GFA	2

Heavy Equipment Yard	1 per 1,000 sq. ft. GFA	2
Manufacturing	1 per 1,000 sq. ft. GFA	2
Salvage or Scrap Yard	1 per 1,000 sq. ft. GFA	2
Meat Processing, General	1 per 1,000 sq. ft. GFA	2
Meat Processing, Poultry	1 per 1,000 sq. ft. GFA	2
Storage or Impound Lot	N/A	N/A
Waste-Related Service	1 per 1,000 sq. ft. GFA	2

SECTION 10-3-70. General Vehicle Parking Design Standards

A. **Applicability.** This Section applies to all vehicle parking other than a vehicle parking space that serves only a single-family detached, single-family attached, duplex, or townhouse dwelling on the same lot as the space.

B. **Existing Parking Lots.**

1. **Parking Lot Expansion.** Where a parking lot expansion occurs, each vehicle parking space and drive aisle within the expanded area must comply with this Section. Each vehicle parking space and drive aisle outside the expanded area whose location or dimensions are altered must also comply with this Section.
2. **Parking Lot Alteration.** Where a parking lot alteration occurs, each vehicle parking space and drive aisle whose location or dimensions are altered must comply with this Section.
3. **Other Spaces Unaffected.** No other portion of an existing parking lot is required to be altered to comply with this Section.

C. **Parking Space Dimensions and Types.**

1. **Standard Vehicle Parking Spaces.** A standard vehicle parking space must meet one of the following requirements:
 - a. Be at least 9 feet wide and 18 feet long, if perpendicular or angled; or
 - b. Be at least 10 feet wide and 20 feet long, if parallel.
2. **Compact Vehicle Parking Spaces.** Up to 25 percent of all required vehicle parking spaces may be designated for compact vehicles. A compact vehicle parking space must meet one of the following requirements:
 - a. Be at least 8 feet wide and 17 feet long, if perpendicular or angled; or

- b. Be at least 8 feet wide and 20 feet long, if parallel.
- 3. **Parking Space Adjacent to a Wall.** Where a wall exists or is proposed at the head of a vehicle parking space, the minimum length of the space is increased by 2 feet for a perpendicular space and by 1 foot for an angled space.

D. Maneuvering.

- 1. **On-Site Maneuvering Required.** A vehicle parking space must be designed so that a vehicle enters and exits the space without using a public street.
- 2. **Independent Access.** Each vehicle parking space must be accessible from a street or alley through aisles or driveways without the need to move another vehicle.

E. Delineation and Surfacing.

- 1. **Surfacing.** All vehicle parking areas, drive aisles, and driveways must be paved with an all-weather surface.
- 2. **Delineation.** All vehicle parking spaces must be permanently and clearly identified by painted lines, wheel stops, or other appropriate method. A compact vehicle parking space must also be identified as reserved for compact vehicles only, by a sign or by a marking on the pavement surface.
- 3. **Maintenance.** Vehicle parking spaces must be regularly maintained so that each space remains clearly identified.

SECTION 10-3-71. Private Residential Parking Design Standards

- A. **Applicability.** This Section applies to a vehicle parking space, whether in a private garage, carport, or driveway, that serves only 1 of the following on the same lot:
 - 1. A single-family detached, single-family attached, duplex, or townhouse dwelling;
or
 - 2. An apartment building in the R-GN or R-UN District.
- B. **Dimensions.** Each vehicle parking space must be at least 9 feet wide and 20 feet deep.
- C. **Location.** Each vehicle parking space must be set back from the lot line abutting the street from which the driveway takes access as follows:
 - 1. **Sidewalk within Public Street.** Where a sidewalk exists within the public street, the parking area must be set back at least 5 feet from that lot line.

2. **Sidewalk within Easement.** Where a public sidewalk exists within an easement on that lot line, the parking area must be set back at least 5 feet from the interior line of the easement.

3. **Without Public Sidewalk.**

- a. Where no public sidewalk exists, and right-of-way sufficient for sidewalk installation has not been dedicated and is not otherwise required to be dedicated, the parking area must be set back at least 12.5 feet from that lot line.
- b. Where no public sidewalk exists, and right-of-way sufficient for sidewalk installation is available, the parking area must be set back at least 5 feet from that lot line.

D. **Surface.** The vehicle parking area must have an improved surface.

E. **Access.** The vehicle parking area must be accessible, directly or indirectly, from a public street or alley.

F. **Driveway Width.** The following standards apply to a driveway with direct access to a public street. Both the driveway width and the lot width are measured along the lot line abutting the street from which the driveway takes access. These standards do not limit the width of a driveway or other improved surface elsewhere on the lot.

- 1. No driveway may be wider than 12 feet on any lot that is 40 feet wide or less.
- 2. No driveway on a lot greater than 40 feet wide may be wider than 30 percent of the lot width or 24 feet, whichever is less.

G. **Maneuvering.** A vehicle parking space on the same lot as a townhouse dwelling must be designed so that a vehicle maneuvers into and out of the space without using the public street. No other vehicle parking space subject to this Section is required to provide on-site maneuvering. A space subject to this Section is not required to be accessible without moving another vehicle.

SECTION 10-3-72. General Bicycle Parking Design Standards

A. **Applicability.** This Section applies to all bicycle parking, whether or not this Ordinance requires the parking.

B. **Existing Bicycle Parking.** A bicycle parking space lawfully established before the effective date of this Ordinance may continue in its existing condition. Each bicycle

parking space installed, relocated, or reconstructed after the effective date must comply with this Section.

C. **Location.** Bicycle parking must be:

1. Within 50 feet of at least 1 entrance to the building or buildings it serves;
2. At least 2 feet from vehicle parking, drive aisles, and all walls, fences, curbs, and other vertical surfaces; and
3. Located to maintain clear accessible paths and preserve adequate sight distance as required by the DCSM.

D. **Surfacing.** Bicycle parking must be located on an all-weather surface with a slope no greater than 3 percent.

E. **Indoor Bicycle Parking.** Bicycle parking required for an apartment may be located inside the building it serves, in a room or area designated for bicycle parking and accessible to all residents of the building.

F. **Shared Townhouse Bicycle Parking.** Bicycle parking spaces serving townhouses must be located on a common lot owned and maintained by a property owners' association. The bicycle parking spaces must be accessible to all residents of the development.

G. **Standards.** Each bicycle parking space must be at least 6 feet long and 2 feet wide and must be served by a bicycle rack. If a bicycle rack is designed to accommodate bicycles on both sides, each side counts as 1 bicycle parking space.

H. **Bicycle Racks.** Bicycle racks must:

1. Allow for the bicycle frame and at least 1 wheel to be locked to the rack;
2. Be securely anchored to a permanent surface;
3. Be arranged so that each bicycle parking space is independently accessible without moving another bicycle; and
4. Be located so that a parked bicycle does not obstruct a walkway or any area used for vehicle parking or vehicle circulation.

SECTION 10-3-73. Drive-Through and Stacking Standards

A. **Applicability.** This Section applies to any drive-through facility, and to any vehicle fuel pump, vehicle wash bay, vehicle service bay, and controlled or gated parking entrance.

- B. **Existing Facilities.** A facility subject to this Section that was lawfully established before the effective date of this Ordinance may continue in its existing condition. A parking lot expansion or parking lot alteration does not by itself subject an existing facility to this Section.
- C. **Dimensions.** Each stacking space must be at least 9 feet wide and 20 feet long.
- D. **Bypass Lane.** Any drive-through facility must provide a bypass lane. The bypass lane must allow a vehicle to leave the stacking lane and bypass the service point without entering a gated area or backing into the public street.
- E. **Minimum Stacking Space Requirements.** Drive-through facilities must provide the minimum number of stacking spaces listed in the table below. A vehicle located at the point identified in the Measured From column counts as the first required stacking space.

Drive-Through Facility	Minimum Stacking Spaces	Measured From
Car wash bay	3 per bay	Entrance to the wash bay
Controlled or gated parking entrance	3 per lane	Gate or ticket dispenser
Financial institution or ATM	3 per lane	Teller window or ATM
Pharmacy	3 per lane	Pickup window
Restaurant	6 per lane	Pickup window
Vehicle fuel pump	2 per pump	Pump
Vehicle service bay	1 per bay	Entrance to the service bay
All other drive-through facilities	3 per lane	Primary point of service

SECTION 10-3-74. Parking Lot Landscaping Requirements

- A. **Applicability.** This Section applies to all vehicle parking, whether or not this Ordinance requires the parking, except:
1. Parking lots in the MU-D District containing 6 or fewer vehicle parking spaces;
 2. Parking spaces for single-family detached, single-family attached, duplex, and townhouse dwellings that are located in private garages, carports, or individual driveways; and

3. Parking garages.

B. Existing Parking Lots.

1. **Parking Lot Expansion.** Where a parking lot expansion occurs, this Section applies to the expanded portion of the parking lot as follows:
 - a. **Minimum Landscaped Area.** The minimum landscaped area must be calculated using the area of the expanded portion only. Qualifying landscaped areas must be located within the expanded portion or within 30 feet of the perimeter of the expanded portion.
 - b. **Perimeter Landscaping.** The perimeter landscaping requirements apply along the perimeter of the expanded portion. No landscaping border is required along a boundary between the expanded portion and the remainder of the parking lot.
 - c. **Interior Landscaping.** The interior landscaping requirements apply within the expanded portion.
2. **Parking Lot Alteration.** Except as provided in the Existing Landscaped Border provision, a parking lot alteration does not subject any portion of a parking lot to the requirements of this Section.
3. **Existing Landscaped Border.** Where a parking lot expansion or a parking lot alteration occurs, trees must be planted in accordance with the tree planting standards of this Section within any landscaped area on a lot that:
 - i. Exists at the time of parking lot expansion;
 - ii. Is at least 5 feet wide; and
 - iii. Separates a parking lot from a public street.

- C. **Shared Parking Areas.** For the purposes of this Section, a shared parking area is treated as if located on a single lot. Lot lines internal to the shared parking area are disregarded with respect to perimeter landscaping requirements.

D. Minimum Landscaped Area.

1. **Generally.** At least 15 percent of the total area of a parking lot must be landscaped in accordance with this Section. For the purposes of this Section, the total area of a parking lot includes any outdoor display and sales area.

2. **Qualifying Areas.** Only the following landscaped areas may be counted toward the landscaping requirements:
 - a. Landscaping located within the parking lot; and
 - b. Landscaping located within 30 feet of the parking lot perimeter.
3. **Excluded Areas.** The following areas may not be counted toward the landscaping requirements:
 - a. Any landscaped border along a public street that is required by this Section; and
 - b. Landscaping located within 5 feet of a principal building or structure.
- E. **Sight Distance.** All landscaping must be located and maintained to comply with the sight distance standards in the DCSM.
- F. **Tree Planting Standards.** Where this Section requires trees to be planted based on linear footage, they must be provided in accordance with the following ratios:
 1. One large deciduous tree for every 40 linear feet;
 2. One small or ornamental deciduous tree for every 25 linear feet;
 3. One evergreen tree for every 25 linear feet, provided that evergreens do not exceed 50 percent of the total number of trees planted; or
 4. A combination of tree types, provided that the sum of the linear footage values assigned to the planted trees equals or exceeds the total required linear footage.
- G. **Planting in Easements.** A tree or other deep-rooted plant required by this Section may not be planted within a public water line or sanitary sewer easement. If no other area within the required planting location can accommodate the required planting, the Zoning Administrator may waive the planting requirement.
- H. **Perimeter Landscaping Requirements.**
 1. **Along Public Street.** A landscaped border at least 10 feet wide must be provided along any portion of a parking lot that is adjacent to a public street. Trees must be planted within this landscaped border in accordance with the tree planting standards of this Section.
 2. **Side and Rear Borders.** A landscaped border at least 5 feet wide must be provided along any portion of a parking lot that is adjacent to a side or rear lot line, unless:

- a. An adjacent building is located on the adjoining lot line; or
 - b. All vehicle parking spaces are separated from the lot line by a fence or wall at least 3 feet high.
3. **Points of Vehicular Access.** A landscaped border may be interrupted at a driveway or other point of vehicular access.
- I. **Interior Parking Lot Landscaping.**
1. **Landscaping Islands.**
- a. A landscaping island must divide each row of parking spaces into bays of no more than 12 spaces each.
 - b. Every parking bay must have a landscaping island at each terminus, unless the terminus abuts a landscaped area at least 5 feet wide.
 - c. A landscaping island must be at least 140 square feet for a single-row parking bay, and at least 280 square feet for a double-row parking bay.
 - d. A landscaping island must contain:
 - i. At least 1 tree, provided that no more than 50 percent of trees in landscaping islands on the site may be evergreen trees; and
 - ii. At least 3 deciduous or evergreen shrubs.
2. **Alternating Landscaping Medians.** Every other parking bay with drive aisles on both sides must have a landscaping median of at least 9 feet wide. The median must connect the landscaping islands for the entire length of the parking bay, and trees must be planted within the median in accordance with the tree planting standards of this Section. A parking lot with 2 or fewer parking bays is exempt from this requirement.
- J. **Maintenance.** All plant material used to satisfy the conditions of this Section must be maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris.
- K. **Prohibited.** No area required by this Section to be landscaped may be used for outdoor storage, outdoor display and sales, or vehicle parking.

SECTION 10-3-75. Parking Garage Landscaping

- A. **Applicability.** This Section applies to all parking garages, whether as an accessory or principal use, except:

1. Parking garages in the MU-D District;
 2. Parking garages where parking occupies less than 50 percent of the gross floor area of the building; and
 3. Parking garages on the same lot as a single-family detached, single-family attached, duplex, or townhouse dwelling.
- B. **Landscaping Area Requirement.** A landscaped area calculated at 15 percent of the building footprint of the parking garage must be provided on the lot. This landscaped area must be within 30 feet of the perimeter of the parking garage, and may include any required landscaping along the public street.
- C. **Landscaped Border Along Public Street.** A landscaped border at least 10 feet wide must be provided adjacent to the public street along the entire street frontage of any lot containing a parking garage. Trees must be planted and maintained in the landscaped border as follows:
1. One large deciduous tree for every 40 linear feet of street frontage;
 2. One small or ornamental deciduous tree for every 25 linear feet of street frontage;
 3. One evergreen tree for every 25 linear feet of street frontage, provided that evergreens do not exceed 50 percent of the total number of trees planted; or
 4. A combination of tree types, provided that the sum of the linear footage values assigned to the planted trees equals or exceeds the total linear feet of street frontage.

ARTICLE F. Signs

SECTION 10-3-76. General Provisions

- A. **Purpose.** This Article regulates the size, illumination, movement, materials, location, height, and condition of signs placed on private property for exterior observation. Its purposes are to:
1. Promote the safety and welfare of pedestrians, bicyclists, and motorists;
 2. Create a convenient, attractive, and harmonious community; and
 3. Allow adequate communication through signs, support economic development, and encourage aesthetic quality in the design, location, and size of signs.
- B. **Interpretation.** This Article must be interpreted consistently with the First Amendment to the United States Constitution.
- C. **Message Substitution.** A noncommercial message may be displayed on any sign allowed by this Article, in place of or in addition to any other message. Changing a sign's message to a noncommercial message does not require a zoning permit and does not change whether the sign is conforming or nonconforming.

SECTION 10-3-77. Definitions

In addition to the definitions in Article L, the following terms have the following meanings for the purposes of this Article:

Alter: Any change to a sign or its supporting structure, including a change in size, height, or location. Alter does not include a change of message on a sign designed for periodic message changes, such as a changeable copy sign.

Animated Sign: A sign or part of a sign designed to rotate, move, flutter, spin, or scroll, or to appear to do so.

Awning Sign: A sign placed directly on the surface of an awning. An awning sign is a wall sign.

Banner: A sign of flexible material affixed to a framework or flat surface.

Canopy Sign: A sign attached to a canopy. A canopy sign is a wall sign.

Changeable Copy Sign: A sign or part of a sign designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Double-Faced Sign: A sign with 2 faces, supported by the same structure, that diverge from a common edge at an internal angle of no more than 45 degrees. Faces that diverge at an angle of more than 45 degrees are separate signs.

Electronic Message Center: A sign capable of displaying words, symbols, figures, or images that can be changed electronically by remote or automatic means. An electronic message center is not a changeable copy sign.

Entry/Exit Sign: A wall or freestanding sign within 5 feet of a driveway and within 15 feet of a street.

Feather Sign: A lightweight sign mounted along 1 edge on a single, vertical pole, which may resemble a feather, sail, bow, or teardrop. A feather sign is an animated sign.

Flag: A piece of cloth or similar material, typically oblong or square, attached by 1 edge to a pole or rope.

Flashing Sign: A sign with lights that flash, blink, or turn on and off at intervals of less than 5 seconds.

Freestanding Sign: A non-portable sign that is not attached to a building and is supported by a fence, a wall, or upright structural members or braces on or in the ground.

Illuminated Sign: A sign that is backlit, internally lighted, or indirectly lighted.

Marquee: A permanent structure that projects beyond a building wall, at an entrance or along the wall, and is designed and constructed to provide protection against the weather.

Marquee Sign: A sign attached to or made part of a marquee or a similar projection from a building. A marquee sign is a wall sign.

Monument Sign: A sign affixed to a structure built on grade, in which the sign and the structure are an integral part of one another. A monument sign is a freestanding sign.

Multiple Establishment Building: A building, group of buildings attached by common walls, or group of buildings connected by walkways and accessways, that contains 2 or more establishments, shares common parking, and presents the appearance of a continuous commercial area. A multiple establishment building may be located on 1 lot or 2 or more lots under common ownership or management.

Neighborhood Sign: A freestanding sign located at the entrance of a neighborhood or subdivision.

Nonconforming Sign: Any sign that was lawfully erected in compliance with applicable City regulations and maintained before the effective date of this Article, and that does not conform to the current standards of this Article.

Off-Premises Sign: A sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered somewhere other than the lot on which the sign is located.

On-Premises Sign: A sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered on the lot upon which the sign is located.

Projecting Sign: A sign, other than a wall sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

Public Area: A public place, a public right-of-way, or a parking lot or other right-of-way open to use by the general public.

Roof Sign: A sign that extends above the ridgeline of a pitched roof, above the highest point of a flat roof, or above the top of a parapet wall.

Sidewalk Sign: A sign not affixed to a building, structure, vehicle, or the ground, including A-frame signs, otherwise known as sandwich boards and chalkboard signs. Sidewalk signs do not include a flag or banner.

Sign: A device, such as writing, lettering, a numeral, a pictorial presentation, an illustration, a decoration, an emblem, a symbol, a trademark, a figure, or a character, that is visible to and designed to communicate information to persons in a public area. A sign does not include a device designed specifically for drive-through patrons.

Sign Area: The area that encloses the extreme limits of the intended communicated information.

Sign Face: The area or surface that displays the intended communicated information.

Sign Height: The vertical distance from the ground at the sign's foundation to the highest point of the sign.

Street Frontage: The width of a lot measured along the line parallel to the street on which the lot is addressed. On a corner lot with a curve connecting the intersecting streets, frontage is measured along the extended tangent to the point of intersection of the 2 streets.

Traffic Control Device: A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, for a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Wall Sign: A sign that is attached to, painted on, and erected parallel to the face of the outside wall of a building and supported by that wall or building. Awning, canopy, and marquee signs are wall signs. A sign mounted to a pitched roof that does not extend above the ridgeline is a wall sign.

SECTION 10-3-78. Zoning Permit Required and Application Process

- A. **Generally.** No sign may be displayed until a zoning permit has been issued for it, except for signs listed in Section 10-3-79.
- B. **Application.**
 - 1. **Contents.** An application must include plans or specifications sufficient to establish the scope and intent of the work.
 - 2. **Review.** Within 20 business days after receiving an application, the Zoning Administrator must approve or deny it. The Zoning Administrator must approve the application if the sign complies with this Ordinance. If the Zoning Administrator denies the application, the Zoning Administrator must state in writing each requirement of this Ordinance that the application does not meet.

SECTION 10-3-79. Zoning Permit Not Required

- A. **Message Changes and Repairs.** A zoning permit is not required to change the message on a marquee or changeable copy sign, change a faceplate, or repair an existing permitted sign.
- B. **Exempt Signs.** The following signs do not require a zoning permit and do not count against the sign allotment for the lot:
 - 1. Signs required by law or erected by a government entity;
 - 2. Flags that do not contain commercial advertising;
 - 3. Nonilluminated signs with a total area up to 32 square feet and a height of up to 8 feet, on a lot with an active building permit or land disturbance activity;
 - 4. Nonilluminated signs of up to 3 square feet and 9 feet in height, located within or within 5 feet of a parking lot or driveway, and more than 15 feet from any street;

5. Nonilluminated wall signs of up to 16 square feet, limited to 1 per building entrance, located within 10 feet of the entrance, and no more than 8 feet above the ground;
6. On a lot for sale or rent:
 - a. In a Residential District, 1 nonilluminated sign with a total area of up to 12 square feet and a height of up to 6 feet; or
 - b. In a Mixed Use, Commercial, Industrial, or Institutional District, 1 nonilluminated sign with a total area of up to 32 square feet and a height of up to 8 feet;
7. On a residential lot where improvements are being made, 1 or more nonilluminated temporary signs with a combined total area up to 12 square feet and a height of up to 4 feet, which must be removed when the work is complete;
8. On a residential lot, 1 or more temporary signs with a total area of up to 16 square feet and a height of up to 4 feet;
9. Signs applied directly to and flush with an asphalt, concrete, or similar paved surface horizontal to the ground;
10. Signs on a vehicle or trailer while it is in use in the normal course of business, except a vehicle or trailer parked primarily to display a message;
11. On any residential lot, 1 permanent sign with a total area of up to 3 square feet and a height of up to 4 feet; and
12. Signs recognized as a significant facet of a historical structure that is included in, or eligible for inclusion on, a register of historic places.

SECTION 10-3-80. Prohibited Signs

A. **Generally.** The signs listed in this Section may not be erected or displayed. These prohibitions are in addition to any other applicable city, state, or federal law.

B. General Prohibitions.

1. Signs displayed without a required zoning permit;
2. Signs that violate any law of the Commonwealth relating to outdoor advertising;
3. Signs attached to natural vegetation, public utility poles, public light poles, traffic control devices or other traffic signs, or unapproved supporting structures;

4. Signs that simulate, or are likely to be confused with, a traffic control device or any other device displayed by a public authority;
5. Signs displayed on a vehicle or trailer that is parked in the same location frequently or for extended periods so as to be visible from the public right-of-way, where the primary purpose is to display a message;
6. Signs built on an earthen mound created to increase the height of the sign;
7. Any sign that does not comply with this Article; and
8. Strings of flags or pennants.

C. Prohibitions Based on Materials.

1. Animated signs, except flags allowed by this Article and feather signs displayed as grand opening signs;
2. Flashing signs and other signs displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity, except electronic message centers on which message changes at intervals of 5 seconds or longer;
3. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas; and
4. Signs that emit sound.

D. Prohibitions Based on Location.

1. Off-premises signs, unless specifically allowed by this Article;
2. Roof signs;
3. Signs that obstruct sight distance or otherwise create a safety hazard for vehicular, bicycle, or pedestrian traffic because of their location; and
4. Illuminated wall signs on side or rear walls within 100 feet of a Residential District.

SECTION 10-3-81. Illumination

- A. **Generally.** A sign may be backlit, internally lighted, or indirectly lighted, unless this Article specifically prohibits that lighting.
- B. **Indirect Lighting.** The beam width of indirect lighting may not exceed the width needed to light the sign. Indirect lighting must be aimed to minimize glare and light trespass.

SECTION 10-3-82. Sign Allotment and Measurement of Sign Area

- A. **Lots with 1 Establishment.** On a lot with 1 establishment, the sign allotment is the total sign area for all types of signs on the lot. The sign allotment is the greater of:
1. 1 square foot of sign area for every linear foot of street frontage; and
 2. 10 percent of the area of all street-facing building facades along any adjacent public street.
- B. **Lots with 2 or More Establishments.** On a lot with 2 or more establishments, the sign area is calculated separately for freestanding and wall signs:
1. **Freestanding Signs.** The freestanding sign allotment is 1 square foot for every 1 linear foot of street frontage parallel to the principal street.
 2. **Wall Signs.** The wall sign allotment for each use is 1 square foot for every 1 linear foot of the front and side exterior walls the use occupies. Projecting signs count against the wall sign allotment.
- C. **Supports and Structures.** Supports, uprights, or structures on which a sign is supported are not included in determining sign area, unless the supports, uprights, or structures are designed to form an integral feature of the display.
- D. **Cylindrical and Spherical Signs.** The sign area of a cylindrical or spherical sign is one-half of its circumference multiplied by the height of its sign face.
- E. **Double-Faced and Multi-Faced Signs.** Only 1 face of a double-faced sign counts toward sign area. If 1 face is larger than the other, the larger face is used. For any other sign with more than 1 face, the area of each face counts toward sign area.

SECTION 10-3-83. Signs Allowed by Zoning District

- A. **Signs Allowed.** The table below establishes the sign types allowed in each zoning district and the maximum height and area for each type. Where the table states a maximum area and the sign allotment for the lot is smaller, the sign allotment controls.

District	Freestanding	Wall	Projecting	Entry/Exit Sign
Mixed Use Districts	Maximum height: 30 feet Maximum area: 100 square feet	Maximum area: the sign allotment	Maximum area: 32 square feet	Maximum height: 4 feet Maximum area: 4 square feet Number: 2 per driveway

Commercial and Industrial Districts	Maximum height: 35 feet Maximum area: 240 square feet	Maximum area: the sign allotment	Maximum area: the sign allotment	Maximum height: 4 feet Maximum area: 4 square feet Number: 2 per driveway
Residential Districts (nonresidential uses and neighborhood signs only)	Maximum height: 8 feet Maximum area: 32 square feet	Maximum area: 32 square feet	Not allowed	Maximum height: 4 feet Maximum area: 4 square feet Number: 2 per driveway
Institutional Master Plan District	Maximum height: 8 feet Maximum area: 32 square feet	Maximum area: 32 square feet	Not allowed	Maximum height: 4 feet Maximum area: 4 square feet Number: 2 per driveway

B. General Standards. The following general standards apply to signs in all districts.

1. **Freestanding Signs.** A lot may have 1 freestanding sign for each public street frontage, except as allowed by a comprehensive sign plan. A freestanding sign may occupy a required building setback if it does not obstruct sight distance.
2. **Wall Signs.** Awning, canopy, and marquee signs may be located only on the second floor of a building or below.
3. **Projecting Signs.** Where allowed, a projecting sign may extend no closer than 2 feet from the vertical face of curbing along a public street. A projecting sign must maintain a clearance of at least 8 feet above any area for pedestrian use and at least 14 feet above any area for vehicular use.
4. **Wall and Projecting Sign Location.** An establishment's wall and projecting signs must be located on the exterior walls the establishment occupies, except as allowed by a comprehensive sign plan or for an exempt sign.

C. Temporary Signs. In all districts, the following apply to a temporary sign that requires a zoning permit:

1. **Application.** An application for a zoning permit for a temporary sign must list the dates the sign will be displayed. The total may not exceed 30 days.

2. **Installation.** A temporary sign must be installed within 30 days after the permit is approved or the permit is void.
 3. **Frequency.** A zoning permit for a temporary sign may be issued to a use no more than 2 times per calendar year.
 4. **Number.** A lot may have only 1 temporary sign at a time, even if there are multiple uses on the lot.
 5. **Size.** A temporary sign may not exceed 8 feet in height or 16 square feet in area.
 6. **Location.** A temporary sign may be located within the minimum building setback.
 7. **Sign Allotment.** A temporary sign does not count against the sign allotment or the number of freestanding signs allowed on the lot.
- D. **Grand Opening Signs.** A grand opening sign is a temporary sign, except that the size and number limits for other temporary signs do not apply to it.
1. **Eligibility.** A permit for grand opening signs may be issued when:
 - a. A new establishment begins its initial operation;
 - b. An establishment changes its name;
 - c. A change in business or activity occurs; or
 - d. The site is redeveloped.
 2. **Duration.** The permit is active for 30 days, beginning on the opening date of the business.
 3. **Number and Type.** Up to 6 grand opening signs may be displayed during the permit period, in any combination of feather signs, wall signs, and freestanding signs.
 4. **Size.** A grand opening sign may not exceed 32 square feet in sign area or 8 feet in height.

SECTION 10-3-84. Comprehensive Sign Plan

- A. **Generally.** A comprehensive sign plan coordinates the signs for a multiple establishment building or for lots with an approved institutional master plan. As provided in this Section, a comprehensive sign plan may:

1. Allow off-premises wall, projecting, or freestanding signs that this Article otherwise prohibits, for establishments within the comprehensive sign plan;
2. Reallocate wall and projecting sign area among the establishments covered by the comprehensive sign plan; and
3. In the Institutional Master Plan District, allocate sign area among sign types and allow more than 1 freestanding sign per street frontage.

B. Applicability. A comprehensive sign plan may be approved only for:

1. A multiple establishment building in a Mixed Use, Commercial, or Industrial District that is managed by a single entity as a unified development; or
2. A lot or group of lots within the same approved master plan in the Institutional Master Plan District.

C. Application. An application must include a written explanation of the request and a scaled graphic showing:

1. The boundaries of the area involved and the ownership of the lots within it;
2. All existing public streets and alleys within and adjacent to the site; and
3. The location, dimensions, and general description of all proposed signs.

D. Review. Within 20 business days after receiving an application, the Zoning Administrator must approve or deny the comprehensive sign plan. The Zoning Administrator must approve the plan if it complies with this Ordinance, as modified by this Section. If the Zoning Administrator denies the plan, the Zoning Administrator must state in writing each requirement of this Ordinance that the plan does not meet.

E. Effect of Approval.

1. **Single Lot.** For purposes of this Article, all lots within an approved comprehensive sign plan are treated as 1 lot, including for calculating the sign allotment and, for a plan in a Mixed Use, Commercial, or Industrial District, the number of freestanding signs allowed.
2. **Signs Governed by Plan.** A sign that requires a zoning permit, other than a temporary sign, may be placed on a lot within an approved comprehensive sign plan only as shown on the plan. A lot may be included in only 1 comprehensive sign plan.

F. **Mixed Use, Commercial, and Industrial Districts.** In a Mixed Use, Commercial, or Industrial District, the following apply to a comprehensive sign plan:

1. **Freestanding Signs.**

- a. **Number.** Only 1 freestanding sign is allowed per street frontage per lot.
- b. **Maximum Size.** No freestanding sign may exceed 30 feet in height or 100 square feet in area in a Mixed Use District, or 35 feet in height or 240 square feet in area in a Commercial or Industrial District.

2. **Wall and Projecting Signs.** A comprehensive sign plan may reallocate wall and projecting sign area among the establishments in a building, and may place an establishment's signs on exterior walls of the building that the establishment does not occupy. The combined area of all wall and projecting signs on a building may not exceed the sum of the wall sign allotments of the establishments in that building.

G. **Institutional Master Plan District.** In the Institutional Master Plan District, the following apply to a comprehensive sign plan:

- 1. **Combined Sign Area.** The combined sign area of all signs in the plan may not exceed 0.5 square feet for every linear foot of the combined street frontage of all lots in the plan.
- 2. **Allocation.** The plan may divide the combined sign area among wall and freestanding signs in any proportion. The maximum areas for each sign type do not apply.
- 3. **Number.** The plan may include more than 1 freestanding sign per street frontage.

SECTION 10-3-85. Lots Without Street Frontage

- A. **Sign Allotment.** The sign allotment for a lot without street frontage is calculated as if the lot had street frontage along the lot line most parallel with the street on which the lot is addressed.
- B. **Off-Site Freestanding Sign.** A lot in a Commercial or Industrial District that has no street frontage may locate 1 freestanding sign on a separate lot that has frontage along a street, with the permission of the owner of that lot, subject to the following:

1. All establishments located on the lot without street frontage are limited to a single, shared freestanding sign, which is the only freestanding sign allowed for that lot;
2. The sign area may not exceed the lesser of the sign allotment that would have been allowed on the lot without street frontage and the sign allotment of the lot on which the sign is located; and
3. The sign area of the freestanding sign counts against the allotment for the lot with no street frontage and does not count against the lot on which the sign is located.

SECTION 10-3-86. Interstate 81 Overlay Sign District

- A. **Applicability.** The Interstate 81 Overlay Sign District consists of all land in the C-AU and I-G Districts located within 800 feet of the center of the intersection of an Interstate 81 exit ramp and the closest boundary of the intersecting street.
- B. **Maximum Height of Freestanding Signs.** Within the Interstate 81 Overlay Sign District, a freestanding sign may not exceed the greater of 35 feet above average grade or the following height above mean sea level for the nearest Interstate 81 exit:
 1. Exit 243 (Pleasant Valley Road): 1,349.6 feet;
 2. Exit 245 (Port Republic Road): 1,341.8 feet; and
 3. Exit 247 (East Market Street): 1,452.6 feet.
- C. **Elevation Certification.** A licensed surveyor must determine the elevation of a freestanding sign from a Global Positioning System (GPS) point. The surveyor's certification of the elevation must be submitted with the zoning permit application.
- D. **Sign Area and Location.** The following standards apply within the Interstate 81 Overlay Sign District.
 1. A sign may not project over any lot line.
 2. A single freestanding sign may not exceed 300 square feet or the sign allotment, whichever is less.
 3. Where 2 or more establishments are located on a single lot, a single support structure may contain a combined area of up to 500 square feet or the sign allotment, whichever is less, provided that no single sign exceeds 300 square feet.

SECTION 10-3-87. Nonconforming Signs

- A. **Applicability.** A sign that was lawfully erected before [EFFECTIVE DATE] or under a prior ordinance, and that does not conform to this Article, is a nonconforming sign and may remain except as provided in this Section. The owner of the property has the burden of establishing that a sign is nonconforming.
- B. **Maintenance and Alteration.** A nonconforming sign may be maintained and repaired. Repair that restores a sign to its existing condition is not an alteration. A nonconforming sign may not be extended, enlarged, structurally reconstructed, or otherwise altered, except that its sign face may be replaced with a sign face that does not exceed the height or sign area of the existing sign face.
- C. **Damage or Destruction.** The following standards apply to a nonconforming sign that is damaged or destroyed. Replacement cost is the combined value of sign materials, sign installation, and labor.
1. A nonconforming sign damaged or destroyed to an extent not exceeding 50 percent of its replacement cost may be restored within 2 years after the damage or destruction. Neither the sign area nor the height of the sign may be enlarged.
 2. A nonconforming sign damaged or destroyed to an extent exceeding 50 percent of its replacement cost may not be reconstructed, but may be replaced with a sign that complies with this Article.
- D. **Abandonment and Removal.**
1. **Abandonment.** A nonconforming sign is abandoned if the establishment for which it was erected has not been in operation for 2 years or more.
 2. **Notice.** After making a reasonable attempt to notify the owner of the property in writing, the Zoning Administrator may order the owner to remove an abandoned nonconforming sign within 30 days.
 3. **Removal by the City.** If the owner does not remove the sign within 30 days after the notice or attempted notice, the City, through its agents or employees, may enter the property and remove the sign, or may apply to a court of competent jurisdiction for an order requiring its removal. The cost of removal is chargeable to the owner of the property.
- E. **Relocation.** A nonconforming sign may not be moved, whether on the same lot or to another lot, unless the sign conforms to this Article at its new location.

SECTION 10-3-88. Maintenance and Removal

- A. **Discontinued Use.** Within 60 days after an establishment ceases to operate, the owner of the property must remove each sign erected for that establishment or replace its sign face with a blank face. Where a sign displays more than 1 establishment, this requirement applies only to the portion of the sign face for the establishment that ceased operating. This Subsection does not apply to a lawful off-premises sign.
- B. **Condition and Safety.** Signs must be kept in a good state of repair. Any sign that becomes a safety hazard or is not kept in a good state of repair violates this Ordinance.
- C. **Nuisance Abatement.** The City may abate any sign that constitutes a nuisance under Code of Virginia §§ 15.2-900, 15.2-906, or 15.2-1115.

ARTICLE G. Floodplain Overlay Regulations

SECTION 10-3-89. General Provisions

A. Statutory Authorization and Purpose.

1. Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens.
2. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood. In accordance with these directed provisions, this Article is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2-2280.
3. The purpose of these provisions is to prevent: the loss of life, health, or 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:
 - a. 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;
 - b. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
 - c. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and
 - d. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

- B. Applicability.** These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Harrisonburg including areas of special flood hazard identified by the City of Harrisonburg or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the City of Harrisonburg by the Federal Emergency Management Agency (FEMA).

C. Compliance and Liability.

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 Article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Article.
2. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
3. This Article shall not create liability on the part of the City of Harrisonburg or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

D. Records. Records of actions associated with administering this Article shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

E. Abrogation and Greater Restrictions.

1. To the extent that the provisions are more restrictive, this Article supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.
2. These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

F. Severability. If any provision of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this Article are hereby declared to be severable.

G. Penalty for Violations.

1. Any person who fails to comply with the requirements or provisions of this Article, or directions of the Floodplain Administrator or other authorized employee of the City of Harrisonburg pursuant to this Article, shall be subject to the penalties as set forth in Section 10-3-119.
2. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Article may be declared by the City of Harrisonburg to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this Article.

SECTION 10-3-90. Administration

- A. **Designation of Floodplain Administrator.** The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. In the absence of a designated Floodplain Administrator, the duties are conducted by the City Manager or as delegated by the City Manager. The Floodplain Administrator may:
 1. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
 2. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- B. **Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
 1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
 2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality (VADEQ), United States Army Corps of Engineers (USACE)), and have submitted copies of such notifications to FEMA.
6. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
7. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
9. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
10. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City, within six months after such data and

information becomes available if the analyses indicate changes in base flood elevations.

11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - a. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 - b. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
13. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
14. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
15. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in

special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

16. Notify the Federal Emergency Management Agency when the corporate boundaries of the City have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
17. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
18. It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the City, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

C. Use and Interpretation of FIRMs. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

- b. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- 2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- 3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- 4. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- 5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Article III, Section 3.1.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- D. **District Boundary Changes.** The delineation of any of the Floodplain Districts may be revised by the City where natural or man-made 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 Emergency Management Agency. A completed LOMR is a record of this approval.

- E. **Interpretation of District Boundaries.** Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Floodplain 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 their case to the Board and to submit their own technical evidence if they so desire.
- F. **Jurisdictional Boundary Changes.** The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until such time as the City adopts and enforces an ordinance that meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the City shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to the Federal Emergency Management Agency (FEMA).
1. The City will notify the Federal Insurance Administration (FIA) and its Virginia State Coordinating Office in writing, whenever the boundaries of the City have been modified by annexation, or the city has otherwise either assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.
 2. In order that all flood insurance rate maps accurately represent the City's boundaries, a copy of a map of the City suitable for reproduction, clearly delineating the new corporate limits or new area for which the City has assumed or relinquished floodplain management regulatory authority must be included with the notification.

- G. **Submitting Model Backed Technical Data.** A City's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a City shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The City may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- H. **Letter of Map Revision.** When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

SECTION 10-3-91. Establishment of Floodplain Overlay Districts

- A. **Basis of Districts.** The various special flood hazard districts shall include the SFHAs. The basis for the delineation of the SFHAs shall be the FIS and FIRM for the City of Harrisonburg prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 6, 2008, and any subsequent revisions or amendments thereto. The boundaries of the SFHA Districts are established as shown on the FIRM, which is declared to be a part of this Article and which shall be kept on file at the office of the Floodplain Administrator. The City of Harrisonburg may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.
1. **Floodway District.** The Floodway District is an AE Zone and is delineated, for purposes of this Article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 6 of the above-referenced FIS and shown on the accompanying FIRM. The following provisions shall apply within the Floodway District of an AE zone:
- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic

analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the City during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail, with a “no-rise” certification statement if applicable, to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the City’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Section 10-3-90(A)(1)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 10-3-91.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. **Requirements for AE Zones Without Delineated Floodway.** The AE Zones on the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study (FIS) shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE Zone:
- a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

- b. Development activities in AE Zones on the City’s Flood Insurance Rate Map (FIRM) which increase the water surface elevation of the base flood by more than 1 foot may be allowed, provided that the applicant first applies—with the City’s endorsement—for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency (FEMA).

B. Overlay Concept.

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

SECTION 10-3-92. District Provisions

A. Permit and Application Requirements.

1. **Permit Requirement.** All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a Floodplain Development Permit. Such development shall be undertaken only in strict compliance with the provisions of this Article and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Subdivision Ordinance. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable State and Federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
2. **Site Plans and Permit Applications.** All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

- a. The elevation of the Base Flood at the site.
- b. For structures to be elevated, the elevation of the lowest floor (including basement).
- c. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
- d. Topographic information showing existing and proposed ground elevations.

B. General Standards. The following provisions shall apply to all permits:

- 1. New construction and substantial improvements shall be built according to this Article and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- 3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- 5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 9. In addition, in all special flood hazard areas, the additional provisions shall apply:

- a. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
 - b. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
- C. **Elevation and Construction Standards.** In all identified flood hazard areas where base flood elevations have been provided in the FIS, the following provisions apply:
- 1. **Residential Construction.** New construction or substantial improvement of any residential structure (including manufactured homes) in Zone AE with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus 12 inches. A flood elevation certificate is required for new structures and additions prior to the issuance of a certificate of occupancy.
 - 2. **Non-Residential Construction.**
 - a. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus 12 inches.
 - b. Non-residential buildings located in all AE Zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus 2 feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by Floodplain Administrator.

- c. A flood elevation certificate is required for new structures [buildings?] and additions prior to the issuance of a certificate of occupancy. Commercial buildings [non-residential buildings?] designed and constructed to be watertight below the design flood elevation must submit a floodproofing certificate prior to the issuance of a certificate of occupancy.
3. **Space Below the Lowest Floor.** In AE Zones, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
- a. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 - c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - ii. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - vi. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require

openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

4. **Accessory Structures.** Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Section 10-3-91(C)(2) or, if not elevated or dry floodproofed, shall:
 - a. Not be used for human habitation;
 - b. Be limited to no more than 600 square feet in total floor area;
 - c. Be useable only for parking of vehicles or limited storage;
 - d. Be constructed with flood damage-resistant materials below the base flood elevation;
 - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - f. Be anchored to prevent flotation;
 - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
 - h. Shall be provided with flood openings which shall meet the following criteria:
 - i. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
 - ii. The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
 - iii. The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

- iv. Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

5. Standards for Manufactured Homes and Recreational Vehicles.

- a. In AE Zones, all manufactured homes placed or substantially improved on individual lots or parcels must meet all the requirements for new construction, including the elevation and anchoring requirements in Sections 10-3-91(B) and 10-3-91(C).
- b. All recreational vehicles placed on sites must either:
 - i. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - ii. Meet all the requirements for manufactured homes in 10-3-91(C)(5)(a).

D. Standards for Subdivision Proposals.

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- 4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 5 lots or 5 acres, whichever is the lesser.

SECTION 10-3-93. Existing Structures in Floodplain Areas

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The Floodplain Administrator has determined that:
 - 1. Change is not a substantial repair or substantial improvement;
 - 2. No new square footage is being built in the floodplain that is not compliant;
 - 3. No new square footage is being built in the floodway;
 - 4. The change complies with this Article and the Virginia Uniform Statewide Building Code; and
 - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

SECTION 10-3-94. Floodplain Variances

- A. **Generally.** The Board of Zoning Appeals may grant variances to the standards of this Article only upon:
 - 1. A showing of good and sufficient cause,
 - 2. After the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3. After the Board of Zoning Appeals has determined that the granting of such variance:
 - a. Will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense; and
 - b. Will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
- B. **Lot Size Limitation and Deviations.** While the granting of variances generally is limited to a lot size less than 0.5 acre, deviations from that limitation may occur. However, as the lot size increases beyond 0.5 acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of 0.5 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Article.

- C. **Variance for Dependent Use.** Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- D. **Additional Factors.** In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 5. The importance of the services provided by the proposed facility to the City.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 12. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or

rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

13. No variance shall be granted for an accessory structure exceeding 600 square feet.

14. Such other factors which are relevant to the purposes of this Article.

- E. **Referral.** The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
- F. **Required Determination.** Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.
- G. **Minimum Relief.** Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.
- H. **Notification.** The Floodplain Administrator shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the 1% chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.
- I. **Record.** The Floodplain Administrator shall maintain a record of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

SECTION 10-3-95. Definitions

For the purposes of this Article, the following terms have the meanings respectively ascribed to them below, unless the context clearly indicates otherwise. Where terms are not defined below, they have the meanings given to them in Article L or, if not defined there, their ordinary accepted meanings.

Appurtenant or accessory structure: A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation: The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the City's Flood Insurance Rate Map. For the purposes of this Article, the base flood is the 1% annual chance flood.

Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Article.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction: For the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."

Flood or flooding:

- A. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters; or,

2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudflows which are proximately caused by flooding as defined in paragraph (A)(2) of 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.
- B. 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

Flood Insurance Rate Map (FIRM): an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. 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;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or,
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or,
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis: Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

Lowest adjacent grade: The lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after November 3, 1989, and includes 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 a community and includes any subsequent improvements to such structures.

Post-FIRM structures: A structure for which construction or substantial improvement occurred on or after November 3, 1989.

Pre-FIRM structures: A structure for which construction or substantial improvement occurred before November 3, 1989.

Recreational vehicle: A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and,
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive Loss Structure: A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure: A structure that:

- A. Is covered under a contract for flood insurance made available under the NFIP; and
- B. Has incurred flood related damage –
 - 1. For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
 - 2. For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area: A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 10-3-90.

Start of construction: For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement 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 manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, 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. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:

- A. 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 local code enforcement official and which are the minimum necessary to assure safe living conditions, or

- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- C. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation: The failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE H. Development Review Procedures

SECTION 10-3-96. Required Permits and Approvals

- A. **Applicability and General Prohibition.** No person may construct, alter, move, or demolish a structure, excavate or fill land, construct or expand a parking lot, or change the use of any building or land without first obtaining any required approval under this Ordinance.
- B. **Administrative Approvals.** Depending on the scope of the project, the following administrative approvals may be required:
 - 1. **Zoning Permit.** A zoning permit must be obtained before constructing, moving, or altering any structure, or before changing the use of any building or land. The Zoning Administrator must issue a zoning permit before any required building permits will be issued.
 - 2. **Building Permit.** A building permit must be obtained before any work covered by the Virginia Uniform Statewide Building Code is commenced.
 - 3. **Site Plan.** Where a site plan is required, site plan approval must be obtained before any building permits will be issued.
 - 4. **Floodplain Development Permit.** A floodplain development permit must be obtained before any development or construction begins within a Floodplain Overlay District.
 - 5. **Certificate of Occupancy.** A certificate of occupancy must be obtained before any building or structure may be used or occupied.
 - 6. **Certificate of Zoning Compliance.** A certificate of zoning compliance must be obtained upon completion of any work that requires a zoning permit for which no certificate of occupancy is issued.
- C. **Legislative Approvals.** The following approvals require public hearings and are a decision of City Council:
 - 1. **Zoning Map Amendment (Rezoning).** A zoning map amendment must be obtained if the proposed development is not allowed in the property's current zoning district.
 - 2. **Special Exception.** Whenever this Ordinance requires a special exception for a proposed use or a modification to a standard, the special exception must be

obtained before any review for an administrative approval may occur or any administrative approval may be issued.

SECTION 10-3-97. Notice and Public Hearings

- A. **Applicability.** This Section establishes the standard procedures and rules for providing public notice of all matters subject to a public hearing before Planning Commission, City Council, or the Board of Zoning Appeals.
- B. **Notice.** Notice of a public hearing must be conducted at least in accordance with the standards set forth in § 15.2-2204 of the Code of Virginia, and such other state law provisions that may apply. Public hearings required by this Ordinance or the Code of Virginia will be held only once all required notices have been satisfied.
- C. **Posting of Property.** In addition to Subsection B, notice of a public hearing must be posted on the applicable property as follows:
 - 1. At least 14 days prior to the public hearing, the Zoning Administrator must erect signs on the subject property notifying the public of the upcoming hearing and indicating where additional information may be obtained. The signs must remain in place until a final decision on the matter has been made.
 - 2. At least one sign must be posted along each public street abutting the property.
 - 3. No decision associated with the public hearing may be invalidated solely because of failure to post the property.
- D. **Limitation on Rehearing.** If an application is denied or withdrawn after City Council has begun a public hearing on it, City Council will not hear a substantially similar application concerning any of the same property within 12 months, unless this restriction is waived by City Council.

SECTION 10-3-98. Review Procedures

- A. **Applicability.** This Section establishes the standard procedures and rules for all applications and appeals under this Ordinance, unless superseded by a more specific provision of this Ordinance.
- B. **Application Processing.**
 - 1. Applications and appeals required under this Ordinance must be filed with the Zoning Administrator.
 - 2. An application or appeal will not be accepted unless it complies with this Ordinance. An application or appeal is officially filed only after it and all required

accompanying submissions are submitted to and accepted by the Zoning Administrator. All applications and appeals provided for in this Ordinance must be submitted in the manner prescribed by the applicable official or body.

3. No application may be scheduled for a public hearing or acted upon by any body until the Zoning Administrator has accepted it as complete.

C. **Amendment of Application.** A request to amend an application must be submitted in writing to the Zoning Administrator. Depending on the nature and extent of the amendment, the request may result in rescheduling of any required public hearing.

D. **Withdrawal of Application.** An application may be withdrawn by giving written notice to the Zoning Administrator.

E. **Administrative Withdrawal.**

1. The Zoning Administrator may administratively close an application before acceptance where the Zoning Administrator has provided notice of the incomplete application and the applicant fails to make a needed correction, addition, or other change within 30 days of the notice. This notice will be sent by mail to the applicant's last known address.
2. The Zoning Administrator may close an application where the applicant requests postponement of a public hearing and takes no further action on the application within 12 months. Notice will be sent by mail to the applicant's last known address.

F. **Postponement of Public Hearing.**

1. **Applicant-Requested Postponement.** An applicant may request that a scheduled public hearing be postponed by submitting a written request to the Zoning Administrator. Upon such a request, the hearing will be postponed. Where any costs associated with required notice have been incurred, the applicant must pay the required fee for rescheduling a hearing.
2. **Postponement by Planning Commission or City Council.** The Planning Commission or City Council may postpone or continue a scheduled public hearing on its own initiative or at the request of the Zoning Administrator. No additional fee applies unless the need for postponement is caused by the applicant.

DIVISION 1. Administrative Approvals

SECTION 10-3-99. Zoning Permits

- A. **Purpose.** A zoning permit verifies that a proposed building, structure, or use will comply with all dimensional, use, and development standards of this Ordinance before construction begins.
- B. **Applicability.** A zoning permit must be obtained from the Zoning Administrator prior to:
 - 1. Constructing, reconstructing, moving, or altering any building or structure;
 - 2. Commencing any excavation or filling operation;
 - 3. Constructing a parking lot, or undertaking a parking lot expansion or parking lot alteration;
 - 4. Changing the use of any land or building;
 - 5. Erecting, altering, relocating, or replacing a sign for which a permit is required; or
 - 6. Establishing, conducting, or maintaining any use, activity, or accessory use for which a zoning permit is expressly required elsewhere in this Ordinance.
- C. **Unified Application Process.** To avoid redundant filings, the zoning permit application is integrated into other approvals as follows:
 - 1. **Integrated Reviews.** If an activity requires a zoning permit and also requires a building permit or site plan, the submission of a building permit or site plan application satisfies the requirement to apply for a zoning permit.
 - 2. **Standalone Permit.** If an activity requires a zoning permit but does not require a building permit or site plan, a standalone zoning permit application is required.
- D. **Plan Requirements.** Every application must include a plan demonstrating compliance with this Ordinance.
 - 1. **Site Plan Sufficiency.** If a site plan is submitted, it may serve as the basis for the zoning permit; however, if the site plan does not reflect all information necessary to determine compliance with this Ordinance, a zoning plan must also be submitted.

2. **Zoning Plan.** A zoning plan is required for all activities that do not require a site plan, or where a site plan is insufficient to determine compliance with this Ordinance.

E. Zoning Plan Standards.

1. **Residential Additions and Accessory Structures.** For additions to, or accessory structures for, any single-family detached, single-family attached, duplex, or townhouse dwelling, applicants may submit hand-drawn sketches alongside an existing, certified foundation location survey or plat.
 - a. **Reuse of Surveys.** An existing, certified survey or plat may be used for multiple applications over time, provided that any existing additions or accessory structures not shown on the certified survey or plat were lawfully established.
 - b. **Sketch Standards.** Sketches do not need to be to scale, provided they include written dimensions of the proposed improvements and sufficient information for the Zoning Administrator to verify compliance with this Ordinance.
 - c. **Survey Reliability.** The Zoning Administrator may require a new certified foundation location survey or plat before acting on an application if the Zoning Administrator determines the submitted survey or plat does not reliably show current conditions on the lot.
2. **All Other Activities.** In all other situations, a Zoning Plan must be a scaled drawing prepared and certified by a land surveyor, engineer, landscape architect, or architect licensed in Virginia.

F. Issuance.

1. **Integrated Issuance.** If an activity requires a building permit or site plan, the issuance of the building permit or the approval of the site plan constitutes the issuance of the zoning permit, and no separate zoning permit document is required.
2. **Standalone Issuance.** For all other activities, the Zoning Administrator will issue a standalone zoning permit upon determining that the proposal complies with this Ordinance.

- G. **Expiration.** A standalone zoning permit expires 12 months after issuance if the authorized work or use has not commenced. A zoning permit issued as part of a site plan or building permit remains valid for the life of the underlying approval.
- H. **Waiver of Requirements.** The Zoning Administrator may waive or modify any requirements of this Section where the information is not necessary to determine compliance with this Ordinance.

SECTION 10-3-100. Site Plans

- A. **Purpose.** The purpose of a site plan is to ensure that proposed development complies with all applicable zoning, subdivision, and development standards, including that necessary public facilities and infrastructure are provided when a property is developed or redeveloped, even when the land is not being subdivided.
- B. **Applicability.** Any activity that requires a zoning permit also requires site plan approval, unless expressly exempted by this Section.
- C. **Exemptions.** The following activities do not require a site plan. These activities remain subject to all other applicable requirements of this Ordinance:
 - 1. Construction of or expansion to single-family detached dwellings, single-family attached dwellings, and duplexes;
 - 2. Construction of accessory buildings or structures associated with single-family detached dwellings, single-family attached dwellings, duplexes, and townhouses;
 - 3. Internal renovations that do not alter the gross floor area of existing buildings or structures;
 - 4. A change of use that does not require the construction of additional parking spaces and does not alter the gross floor area of existing buildings or structures;
 - 5. An addition or expansion to an existing building, provided that the gross floor area of the addition or expansion does not exceed the lesser of 10 percent of the gross floor area of the existing buildings or structures or 2,500 square feet; or
 - 6. A parking lot expansion or parking lot alteration that does not create a new point of vehicular access to a public street.
- D. **Standards.** Site plans are subject to all requirements of the Subdivision Ordinance and the Design and Construction Standards Manual, applied as if the development were a subdivision.

- E. **Site Plan Revisions.** The City Engineer may authorize minor revisions to an approved site plan. Any other changes to an approved site plan must be resubmitted as a new application. The following revisions are considered minor:
1. Up to a 10 percent increase in the gross floor area of a single building;
 2. Any decrease in the gross floor area of a single building;
 3. Up to a 10 percent reduction in the setbacks from the street or lot lines; and
 4. A parking lot expansion or parking lot alteration that does not create a new point of vehicular access to a public street.
- F. **Expiration of Site Plan.** An approved site plan will be valid for 5 years from the date of approval, or for a longer period determined by the Zoning Administrator at the time of approval, taking into consideration the size and phasing of the proposed project.
- G. **Site Plan Extension.** Upon application filed prior to the expiration of a site plan, the Zoning Administrator may grant an extension of such approval, taking into consideration the size and phasing of the proposed site and the laws, ordinances, and regulations in effect at the time of the request for an extension.

SECTION 10-3-101. Certificate of Occupancy and Zoning Compliance

- A. **Purpose.** A certificate of occupancy or certificate of zoning compliance ensures that a building, structure, or site complies with all applicable approvals prior to its use or occupancy.
- B. **Applicability.** A certificate of occupancy or certificate of zoning compliance must be obtained before any person may do any of the following:
1. Occupy or use any new building or structure;
 2. Occupy or use any addition or alteration to an existing building; or
 3. Change the use of any building, structure, or land.
- C. **Foundation Location Survey.** Prior to the issuance of a certificate of occupancy for any new building or structure, or for any addition or alteration to an existing building's footprint, a foundation location survey prepared and certified by a land surveyor licensed in Virginia must be submitted to verify compliance with all approved plans and permits. The following are exempt from this requirement:

1. Residential additions and accessory structures permitted under Section 10-3-99.E.1.
2. Where an acceptable as-built survey has already been submitted.

D. Issuance.

1. **Certificate of Occupancy.** The Building Official will issue a certificate of occupancy only after confirming that all work, including site improvements, landscaping, stormwater management facilities, and any other requirements of this Ordinance or conditions of approval, is completed and complies fully.
2. **Certificate of Zoning Compliance.** When any activity requires zoning approval but does not require a building permit or certificate of occupancy, the Zoning Administrator will issue a certificate of zoning compliance only after confirming that all requirements of this Ordinance or conditions of approval are met.

E. Temporary Certificate of Occupancy. The Building Official may issue a temporary certificate of occupancy before full completion of all work, provided that:

1. The building or structure, or portion of the building or structure, may be occupied safely without endangering life or public safety;
2. Any remaining work is not essential to safe occupancy;
3. Surety in an amount sufficient to cover the estimated cost of completing the remaining work has been provided in a form acceptable to the City Attorney;
4. A written agreement is executed specifying the incomplete items, estimated completion costs, reasonable timeline for completion, and provisions for forfeiture of the surety if not completed timely; and
5. The temporary certificate specifies a set expiration date, after which the temporary certificate of occupancy will expire if work remains incomplete, subject to renewal for good cause.

DIVISION 2. Legislative Approvals

SECTION 10-3-102. Legislative Application Requirements

- A. **Applicability.** This Section applies to each special exception application and each zoning map amendment application not initiated by City Council or Planning Commission.
- B. **General Requirements.** Each application must include the following:

1. A completed application form signed by each owner of the property or by the owner's authorized representative;
2. The written consent of each owner, if the applicant is a contract purchaser or tenant;
3. A survey or plat showing the boundaries of any area subject to the application that is not an entire existing lot;
4. A written statement explaining the proposed use of the property and how the request is consistent with the Comprehensive Plan;
5. A traffic impact analysis, or a written determination by the Department of Public Works that no traffic impact analysis is required; and
6. Any other materials identified on the application published by the Zoning Administrator.

SECTION 10-3-103. Zoning Text Amendments

- A. **Applicability.** Whenever public necessity, convenience, general welfare, or good zoning practice requires, the City Council may by ordinance amend, supplement, or change the regulations of this Ordinance.
- B. **Procedure.** Only the following may initiate an amendment to this Ordinance:
 1. Resolution of City Council; or
 2. Motion of Planning Commission.

SECTION 10-3-104. Zoning Map Amendments

- A. **Applicability.** Whenever public necessity, convenience, general welfare, or good zoning practice requires, the City Council may by ordinance amend, supplement, or change the boundaries of the zoning districts or classifications of property established on the City's zoning map, subject to this Section.
- B. **Procedure.** Only the following may initiate an amendment to the Official Zoning Map:
 1. Resolution of City Council;
 2. Motion of Planning Commission; or
 3. Application of the owner, a contract purchaser with the owner's written consent, or the owner's representative.

SECTION 10-3-105. Conditional Zoning Map Amendments (Proffers)

A. **Applicability.** As part of a zoning map amendment application, the applicant may voluntarily proffer, and City Council may accept, conditions that apply in addition to the underlying zoning district regulations, subject to Virginia Code §§ 15.2-2303 and 15.2-2303.4, and this Section.

B. **Proffer Statement.** The applicant's proposed proffers must be provided in writing. For the purpose of this Ordinance, "proffered conditions" shall be interpreted to include written statements, development plans, profiles, elevation or other demonstrative materials. Materials of whatever nature and intended as conditions shall be annotated with the following statement signed by the owner or owners of the subject property:

"I (we) hereby proffer that the development of the subject property on this application shall be in strict accordance with the conditions set forth in this submission."

C. **Standards for Proffered Conditions.** Any proposed proffers must comply with the following:

1. The rezoning itself must give rise to the need for the conditions;
2. Such conditions must have a reasonable relation to the rezoning;
3. All such conditions must be in conformity with the Comprehensive Plan; and
4. For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, any proposed proffers addressing the impacts resulting from the new residential development or new residential uses must comply with Virginia Code § 15.2-2303.4.

D. **Proffer Submission Deadlines.**

1. **Before the Planning Commission's Public Hearing.** Any proffers the applicant intends to be presented to and considered by the Planning Commission must be submitted in writing prior to the first publication of any notice of public hearing on the associated zoning map amendment application.
2. **Before the City Council's Public Hearing.** After the Planning Commission public hearing but prior to the first publication of any notice of public hearing by the City Council, the applicant may submit new proffers, which must be submitted in writing.

3. **Further Amendments.** At any point after the first publication of any notice of public hearing by City Council, City Council may accept amended proffers prior to closing the public hearing. At such time, if City Council determines in its sole discretion that the amended proffers do not materially affect the overall proposal, City Council may take action on the application; however, should City Council determine that the amended proffers are a material change, City Council must schedule another public hearing, subject to the same notice and publication requirements as the first.
- E. **Severability of Proffered Conditions.** Where an applicant proffers multiple conditions, such conditions are severable and City Council may, in its sole discretion, choose to accept all, some, or none of the proffered conditions when acting on the associated zoning map amendment.
- F. **Effect of Proffered Conditions.** Any proffered condition accepted by the City Council becomes a part of the zoning regulations applicable to the property in question, in addition to all applicable zoning regulations, regardless of changes in ownership or operation, unless subsequently changed by an amendment to the zoning map.
- G. **Annotation of Zoning Map.** Each conditional zoning map amendment will be designated on the Official Zoning Map by an appropriate symbol designated by the Zoning Administrator. Additionally, the Zoning Administrator will keep and make available for public inspection a conditional zoning index as provided in Virginia Code § 15.2-2300.
- H. **Amendment of Accepted Conditions.** City Council may consider and act on amendments to and variations of accepted proffered conditions, including amendments eligible for waiver of a public hearing, in accordance with Section 15.2-2302 of the Code of Virginia.

SECTION 10-3-106. Special Exceptions

- A. **Purpose.** Special exceptions provide a process for considering uses that may be appropriate within a zoning district but that require individual consideration of the impacts of the use. When a use requires a special exception, it may be established or expanded only upon approval by City Council, subject to any conditions City Council may impose to address potential impacts.
- B. **Procedure.** Only the following may apply for a special exception:

1. An owner of the subject property, an owner's representative, or with the owner's written consent, either a contract purchaser or tenant; or
2. An eligible easement holder applying for a special exception related to its easement.

C. **Concurrent Applications.** An applicant may request a special exception concurrently with a zoning map amendment for the same property. When filed concurrently, the applications will be reviewed, advertised, and considered as a single, unified request. When a special exception is approved concurrently with a zoning map amendment, the special exception is nevertheless subject to the period of validity.

D. **Stipulations.**

1. **Generally.** An applicant may voluntarily submit written stipulations regarding the use, design, or development of the property as part of an application.
2. **Signature.** Each owner of the property must sign the stipulations.
3. **Effect.** Stipulations accepted by City Council carry the same force as a condition imposed by City Council.

E. **Standards of Review.** In reviewing a special exception application, the Planning Commission and City Council must consider whether the proposed use or modification, together with any stipulations and conditions:

1. Is consistent with the Comprehensive Plan;
2. Is compatible with the existing and planned character of the surrounding area, including the scale, intensity, and design of nearby development;
3. Will avoid substantial adverse impacts on neighboring properties, including impacts from traffic, noise, lighting, odor, hours of operation, and stormwater;
4. Can be adequately served by public facilities and services, including streets, water and sewer, and fire and emergency services; and
5. Will not adversely affect the public health, safety, and welfare.

F. **Conditions and Restrictions.** The Planning Commission may recommend, and City Council may impose conditions and restrictions to accomplish the objectives of this Ordinance and to address impacts arising from the requested special exception to protect the public health, safety, or welfare.

G. Period of Validity.

1. **Residential Projects.** An approved special exception for a residential project remains valid for 36 months from the date of approval, unless City Council specifies a longer timeframe.
2. **All Other Projects.** An approved special exception for any other project remains valid for 12 months from the date of approval, unless City Council specifies a different timeframe.
3. **Residential Use.** For the purposes of this Subsection, a residential project includes any special exception application containing any residential component.

H. Expiration.

1. **Generally.** An approved special exception expires if the authorized use is not established, or any construction authorized is not commenced and diligently pursued, during the period of validity.
 2. **Other Required Approvals.** Where construction requires additional administrative approvals under this Ordinance before construction may be commenced, applying for such approvals satisfies this requirement. The special exception remains valid so long as the required application or approval does not lapse.
- I. **Termination.** Once established, a special exception remains valid for an indefinite period of time; however, if the special exception is not established during the period of validity, or the use or activity ceases for a continuous period of 2 years or more, the special exception automatically terminates without notice.
- J. **Revocation.** City Council may revoke a special exception due to the owner or operator's failure to comply with the conditions or restrictions of the special exception. Before revoking a special exception, City Council must hold a public hearing in the same manner as a public hearing for a new special exception application; provided, however, that City Council may, in its sole discretion, waive the requirement for a public hearing before the Planning Commission and proceed directly to a public hearing before the City Council.

ARTICLE I. Board of Zoning Appeals

SECTION 10-3-107. Establishment of Board of Zoning Appeals

- A. **Establishment.** A Board of Zoning Appeals is established pursuant to Code of Virginia §§ 15.2-2308 through 15.2-2316.
- B. **Membership.** The Board must consist of 5 residents of the City appointed by the Circuit Court of Rockingham County. Members serve 5-year terms and may be reappointed as provided by state law. Vacancies shall be filled for the unexpired term. Members of the Board cannot hold other public office in the City, except that 1 may be a member of the Planning Commission.
- C. **Officers.** The Board must elect a Chair and Vice-Chair from among its members and must adopt rules of procedure consistent with the Code of Virginia and this Ordinance.
- D. **Authority.** The Board shall have all powers and duties authorized by state law, including:
 - 1. Hearing and deciding appeals of administrative decisions;
 - 2. Hearing and deciding variances;
 - 3. Hearing and deciding appeals related to Article G; and
 - 4. Any additional power granted by state law or delegated by City Council consistent with the Code of Virginia.
- E. **Limitations.** All provisions of this Ordinance relating to the Board of Zoning Appeals are strictly constructed. As a board of limited jurisdiction, the Board of Zoning Appeals must act in full conformity with this Ordinance, and no action may be taken beyond the authority specifically conferred.
- F. **Decisions Subject to Judicial Review.** All findings and decisions of the Board of Zoning Appeals are subject to judicial review in the manner provided by the Code of Virginia.
- G. **Hearings and Decisions.** The Board of Zoning Appeals shall fix a reasonable time for the hearing of any application or appeal. Any materials relating to a particular matter before the Board, including any staff recommendation or report furnished to any member or members of the Board, shall be made available without cost to the applicant, appellant, or other person aggrieved within 3 days of being made

available to the board member. Any such materials furnished to a board member shall also be made available for public inspection.

- H. **Limitation on Rehearing.** If an application is denied or withdrawn after the Board of Zoning Appeals has begun a public hearing on it, the Board of Zoning Appeals will not hear a substantially similar application concerning any of the same property within 12 months.

SECTION 10-3-108. Variances

- A. **General Standard.** The Board of Zoning Appeals shall have the power to grant variances, subject to the provisions of this Section.
1. In accordance with state law, to grant a variance, the Board of Zoning Appeals must determine from the evidence that:
 - a. The strict application of this Ordinance would unreasonably restrict the utilization of the property;
 - b. Granting the variance would alleviate a hardship due to a physical condition relating to the property or its improvements; or
 - c. Granting a variance would alleviate a hardship by granting a reasonable modification to property or improvements requested by a person with a disability.
 2. Further, the Board of Zoning Appeals must find that:
 - a. The property was acquired in good faith, and the applicant did not create any hardship for which relief is sought;
 - b. The variance would not result in a substantial detriment to adjacent property or nearby properties in the proximity of that geographical area;
 - c. The condition or situation of the property or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by City Council as an amendment to the Zoning Ordinance;
 - d. The granting of the variance would not result in an unpermitted use or a change of zoning classification;
 - e. The relief or remedy sought by the variance application is not available through a special exception; and

- f. That the variance would conform with the purposes of this Ordinance and not be contrary to the public interest.
- B. **Conditions.** After determining that the applicant has satisfied the requirements for a variance, the Board of Zoning Appeals must determine the minimum variance that would afford relief. In granting a variance, the Board of Zoning Appeals may impose conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary or in the public interest. Further, a variance granted to provide a reasonable modification requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification, subject to the provisions of state and federal law, as applicable.
- C. **Expiration of a Variance.** The activity approved by the variance must be established or any construction must be commenced and diligently pursued within the time specified by the Board of Zoning Appeals or, if no time was specified, then within 36 months from the approval date of the variance. Otherwise, the variance will automatically expire without notice, unless additional time is approved by the Board of Zoning Appeals.

SECTION 10-3-109. Appeals

- A. **Right of Appeal.** Any person aggrieved by a written administrative decision or determination by the Zoning Administrator, including a notice of violation, may appeal to the Board of Zoning Appeals, except that an appeal that relates to a proffered condition must be taken to City Council.
- B. **Initiation.**
 - 1. Except as set forth below, all appeals must be filed within 30 days from the date of the decision appealed by filing an appeal application with the Zoning Administrator.
 - 2. Appeals from notices of violation involving the following violations must be filed within 10 days from the date of the notice by filing an appeal application with the Zoning Administrator:
 - a. Occupancy of a dwelling unit.
 - b. Other short-term, recurring violations as determined by the Zoning Administrator.
 - 3. All appeal applications must specify the grounds for the appeal.

4. Where the time limit on filing falls on a day where City Hall is closed, the filing deadline is extended to the next business day.

C. **Stay of Proceedings.** An appeal will stay all proceedings related to the action appealed unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property.

D. **Procedure on Appeal.**

1. The determination of the Zoning Administrator shall be presumed correct.
2. At the hearing, the Zoning Administrator shall explain the basis for the determination, after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.
3. The Board may consider any applicable ordinances, laws, and regulations in making its decision. The decision on appeal shall be based on the Board's judgment of whether the Zoning Administrator was correct.

E. **Decisions.**

1. The Board of Zoning Appeals may affirm or reverse, wholly or partly, the decision of the Zoning Administrator.
2. The concurring vote of 3 members of the Board of Zoning Appeals is required to reverse any determination of the Zoning Administrator.

ARTICLE J. Nonconformities

SECTION 10-3-110. Nonconforming Uses and Structures

- A. **Applicability.** A use or structure that was lawful when established, which does not conform to this Ordinance at the time of enactment or later amendment, is a nonconformity regulated by this Section.
- B. **Nonconforming Uses.**
1. **Continuation.** A lawful nonconforming use may continue so long as:
 - a. The use remains the same or changes to a use that is less intensive;
 - b. The use is not discontinued for more than 2 years; and
 - c. The structure is maintained in compliance with the USBC.
 2. **Discontinuance and Abandonment.**
 - a. If a nonconforming use ceases for more than 2 years, the nonconforming status is lost, regardless of intent to resume.
 - b. After the nonconforming use is abandoned, any subsequent use must comply with all requirements of this Ordinance.
 3. **Change to Another Use.**
 - a. A nonconforming use may be changed only to a use permitted in the zoning district or a less intensive nonconforming use.
 - b. If a less intensive nonconforming use continues for 2 years, the prior, more intensive nonconforming use has been discontinued and may not be re-established.
 4. **Enlargement or Expansion of a Nonconforming Use.**
 - a. A nonconforming use may not be enlarged, extended, intensified, or expanded in gross floor area, outdoor activity area, outdoor storage area, occupancy, number of dwelling units, or any other identifiable measure of intensity.
 - b. Any numerical increase in any use regulated by this Ordinance through numeric standards constitutes an enlargement.

5. **Exception for Nonconforming Single-Family Detached Dwellings.** Whenever an otherwise nonconforming single-family detached dwelling in a district that does not permit such use is converted to contain multiple dwelling units or expanded beyond its otherwise permitted number of occupants, the single-family detached dwelling may continue as a nonconforming single-family detached dwelling, notwithstanding (B)(4) above, provided that:

- a. The total square footage of the structure remains unchanged; and
- b. Occupancy of the single-family detached dwelling is reduced or limited to 1 family or 2 unrelated individuals.

- C. **Alterations to Structures Containing Nonconforming Uses.** A structure containing a nonconforming use may be enlarged or structurally altered only if all of the following are true:

1. The Zoning Administrator has issued a zoning determination documenting the existence and extent of the nonconforming use;
2. The enlargement or alteration does not increase the floor area devoted to the nonconforming use; and
3. Any new floor area is used only for a use allowed in the zoning district.

- D. **Nonconforming Structures.**

1. **Continuation.** A nonconforming structure may continue and may be maintained and repaired, provided that the work does not increase the degree of any nonconformity.
2. **Enlargement and Structural Alteration.** A nonconforming structure may be enlarged or structurally altered if both of the following are true:
 - a. The new or altered portion of the structure complies with this Ordinance; and
 - b. The enlargement or alteration does not increase the degree of any existing nonconformity.
3. **Relocation.** A nonconforming structure may not be moved, whether on the same lot or to another lot, unless the structure conforms to this Ordinance at its new location.
4. **Damage by Natural Disaster, Act of God, or Accidental Fire.** The following standards apply to a residential or commercial building damaged or destroyed by a natural disaster, other act of God, or accidental fire:

- a. **Right to Rebuild.** The owner may repair, rebuild, or replace the building without a variance. The work must eliminate or reduce the building's nonconforming features to the extent possible.
 - b. **Restoration of Original Condition.** The owner may restore a building damaged more than 50 percent to its original nonconforming condition if no other means of repair, rebuilding, or replacement is possible.
 - c. **Codes.** The owner must obtain a building permit. All work must comply with the Uniform Statewide Building Code and, where applicable, any floodplain regulations.
 - d. **Time Limit.** The rights to rebuild and restore expire 2 years after the date of the damage or destruction. After that, the building may be repaired, rebuilt, or replaced only in compliance with this Ordinance.
 - e. **Federal Disaster Declaration.** The time limit is 4 years for a building in an area under a federal disaster declaration, if the damage resulted from the conditions that gave rise to that declaration.
5. **Other Damage or Destruction.** The following standards apply to any other damage or destruction of a nonconforming structure:
- a. **Replacement Cost.** Replacement cost is the cost to construct a new structure of the same size and type as the damaged structure.
 - b. **Damage of 50 Percent or Less.** A structure damaged to an extent not exceeding 50 percent of its replacement cost may be restored within 2 years after the damage. The restoration may not increase the degree of any nonconformity.
 - c. **Damage Over 50 Percent.** A structure damaged to an extent exceeding 50 percent of its replacement cost may be rebuilt only in compliance with this Ordinance.

E. Public Acquisition of Land.

- 1. Whenever a portion of a lot or structure is acquired by the City or the Commonwealth for transportation improvements, including stormwater and drainage facilities that are part of such improvements, whether by dedication, negotiated conveyance, or condemnation, any resulting failure to meet lot area, lot width, setback, or other dimensional requirements of this Ordinance shall be deemed a lawful nonconformity.

2. The nonconformity shall be limited to that portion of the lot or structure affected by the public acquisition and shall not authorize enlargement or extension.
3. No variance shall be required to allow the continued use, maintenance, or replacement of any structure or lot rendered nonconforming solely due to such public acquisition.

SECTION 10-3-111. Nonconforming Lots

- A. **Purpose.** The purpose of this Section is to protect lawfully established lots that do not meet the dimensional standards of this Ordinance, or that do not meet the requirements of the Subdivision Ordinance, while preventing the creation or development of substandard lots that would undermine the intent of this Ordinance.
- B. **Applicability.** This Section applies to any lot that:
 1. Was lawfully established prior to the effective date of this Ordinance or prior to any subsequent amendment that created the nonconformity; and
 2. Does not meet one or more currently applicable dimensional requirements.
- C. **Use and Development of a Nonconforming Lot.**
 1. A single, lawfully established nonconforming lot that was held in individual and separate ownership on the effective date of this Section, and that was not contiguous to any other lot under the same ownership on that date, may be used and developed for any permitted principal use in the district, except that where the district permits residential uses, the lot may be used for no more than one single dwelling, regardless of the number or type of dwellings otherwise allowed in the district.
 2. Where 2 or more contiguous, lawfully established nonconforming lots were under common ownership on the effective date of this Section, the lots shall be considered a single lot for the purposes of development.
- D. **Required Lot Consolidation.**
 1. **Structures Crossing Lot Lines.** Where an existing principal structure extends across 2 or more contiguous lots under common ownership, no zoning or building permit shall be issued for the erection, expansion, relocation, or replacement of such principal structure until at least those lots have been consolidated.

2. **Lots Necessary to Create a Conforming Lot.** If the consolidation of the lots required above does not meet the dimensional requirements of the zoning district, the owner shall also consolidate any additional contiguous lots under common ownership as necessary to create one conforming lot containing the principal structure whenever such additional contiguous lots exist.
- E. **Treatment of Remaining Substandard Lots.** After any required consolidation, any remaining contiguous lots under the same ownership that do not meet the current requirements of this Ordinance and the Subdivision Ordinance and are not required to create the conforming lot containing the principal structure shall not be considered buildable lots and shall not possess independent development rights.
- F. **Combination of Remaining Substandard Lots.** Two or more contiguous lots, whether or not under common ownership, may be conveyed to a single owner and combined into one lot, provided the resulting lot meets all applicable requirements of the zoning district. Upon recordation of the approved consolidation, the newly created conforming lot shall have development rights consistent with the zoning district. None of the individual substandard lots involved in the consolidation shall possess independent development rights until the consolidation has been recorded.

ARTICLE K. Administration and Enforcement

SECTION 10-3-112. Zoning Administrator

The office of the Zoning Administrator is hereby established. The Zoning Administrator is appointed by the City Manager and has all of the responsibilities, duties, and powers set forth in Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, as amended.

SECTION 10-3-113. Fees

- A. **Fee Schedule Established.** The Consolidated Fee Schedule, as adopted and amended by ordinance of the City Council, sets the fees for filings made and services provided under this Ordinance.
- B. **Payment Required.** A filing is not complete until the applicant has paid all required fees in full. No incomplete filing may be reviewed, scheduled for hearing, or acted upon. No permit, certificate, approval, determination, or verification may be issued while a required fee remains unpaid.
- C. **Refunds.**
 - 1. If the applicant withdraws a filing before it is accepted as complete, the full fee will be refunded.
 - 2. If the applicant withdraws a filing after acceptance but before any required public notice has been published, mailed, or posted, 50 percent of the fee will be refunded.
 - 3. In all other cases, including denial of the filing, no portion of the fee may be refunded.
- D. **Rescheduled or Readvertised Hearings.**
 - 1. The applicant must pay the rescheduling fee before a matter is readvertised where both:
 - a. The public hearing is postponed, continued, or rescheduled at the applicant's request or because of an act or omission of the applicant; and
 - b. Any required notice has already been published, mailed, or posted.
 - 2. No additional fee applies when the Planning Commission, City Council, Board of Zoning Appeals, or Zoning Administrator initiates the postponement or continuance for reasons not attributable to the applicant.

E. Exemptions. No fee is required where the applicant is:

1. The City of Harrisonburg and its departments, agencies, offices, boards, commissions, and authorities; or
2. The School Board of the City of Harrisonburg and Harrisonburg City Public Schools.

SECTION 10-3-114. Zoning Determination and Verification

A. Authority. The Zoning Administrator has all necessary authority on behalf of the City Council to administer and enforce this Ordinance, including by making determinations and decisions on any matters arising under this Ordinance. This authority includes issuing zoning verification letters and zoning determinations as provided in this Section.

B. Zoning Verification Letter.

1. **Purpose.** A zoning verification letter provides a factual summary of the zoning records the City maintains for a specific property. A zoning verification letter is information only. It does not constitute a zoning determination, does not bind the City to any interpretation of this Ordinance, and does not establish vested rights.
2. **Contents.** A zoning verification letter states the following for the subject property, based on City records at the time of the request:
 - a. The applicable zoning district;
 - b. Any zoning conditions, proffers, or special exception approvals of record; and
 - c. Any pending applications or violations of record.
3. **Initiation.** Any person may apply for a zoning verification letter.

C. Zoning Determination.

1. **Purpose.** A zoning determination is a formal written interpretation of how this Ordinance applies to a specific property, use, or proposal. A zoning determination may establish vested rights where applicable under Virginia law.
2. **Scope.** A zoning determination may address any of the following:
 - a. Whether a specific use is permitted in a zoning district, and under what conditions;

- b. How a proposed use must be classified under the use categories in this Ordinance;
 - c. Whether a proposed structure, site layout, or development pattern complies with the standards of this Ordinance; and
 - d. Any other matter requiring interpretation of this Ordinance as applied to a specific set of facts.
3. **Initiation.** A zoning determination may be initiated by:
- a. Application by any party with a demonstrated interest in the subject property or proposal; or
 - b. Action of the Zoning Administrator in the course of administering this Ordinance.
4. **Application Requirements.** An application for a zoning determination must:
- a. Identify the subject property by address and tax map number, if applicable;
 - b. Describe the specific question or questions to be resolved; and
 - c. Include sufficient factual information, including a description of the proposed use or development, site conditions, and any other facts material to the question, to allow the Zoning Administrator to make a determination.
5. **Written Decision.** The Zoning Administrator must issue a zoning determination in writing. When initiated by application, the Zoning Administrator must issue a zoning determination within 90 days.
6. **Appeal.** A zoning determination is a decision of the Zoning Administrator subject to appeal to the Board of Zoning Appeals.
7. **Validity.** A zoning determination is based on the provisions of this Ordinance in effect at the time the determination is issued. If this Ordinance is amended after a determination is issued in a way that affects the subject matter of the determination, the determination is superseded as to any provision modified by the amendment.

SECTION 10-3-115. Enforcement

- A. **Generally.** The Zoning Administrator is authorized to enforce this Ordinance.

- B. **Responsible Parties.** A person violates this Ordinance if that person, whether acting as an owner, lessee, principal, agent, employee, tenant, occupant, or in any other capacity:
1. Violates any provision of this Ordinance;
 2. Permits another person to violate any provision of this Ordinance;
 3. Fails to comply with any requirement of this Ordinance; or
 4. Erects, constructs, alters, uses, or occupies any building, structure, or land in violation of this Ordinance.
- C. **Conditions and Approvals.** No person may violate:
1. A condition of a special exception, variance, or other approval granted under this Ordinance;
 2. A proffered condition accepted by City Council; or
 3. An approved site plan.
- D. **False Statements.** No person may knowingly make a false statement, representation, or certification in a record, report, or other document filed or requested under this Ordinance.
- E. **Effect of a Violation.** A use, structure, or lot established in violation of this Ordinance does not become lawful through the passage of time and does not acquire status as a nonconformity, except as Virginia Code § 15.2-2307 provides.

SECTION 10-3-116. Inspection Warrants

- A. **Application for Warrant.** The Zoning Administrator may present an affidavit under oath to a magistrate or court of competent jurisdiction to obtain an inspection warrant. Where the affidavit establishes probable cause, the Zoning Administrator may request that the magistrate or court grant an inspection warrant to enable entry into the subject dwelling for the purpose of determining whether violations of this Ordinance exist.
- B. **Prerequisite.** Before seeking the issuance of an inspection warrant, the Zoning Administrator must make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling.

SECTION 10-3-117. Notice of Violation

- A. **Issuing Notice of Violation.** If the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator may issue a notice of violation.
- B. **Appeal Period.** The appeal period for a notice of violation is 30 days, except that a notice of violation involving any of the following has an appeal period of 10 days:
 - 1. A temporary or seasonal commercial use; or
 - 2. The maximum occupancy of a residential dwelling unit.
- C. **Contents.** A notice of violation must state:
 - 1. The provision of this Ordinance violated;
 - 2. The property and the conduct or condition that constitutes the violation;
 - 3. The date by which the recipient must correct the violation;
 - 4. That the recipient may have a right to appeal the notice to the Board of Zoning Appeals under Virginia Code § 15.2-2311, and the number of days in the appeal period;
 - 5. That the notice becomes final and unappealable if the recipient does not appeal within the appeal period;
 - 6. The fee for filing an appeal; and
 - 7. Where the recipient may obtain more information about filing an appeal.
- D. **Recipients.** The Zoning Administrator must send a notice of violation to the owner of the property. The Zoning Administrator may also send the notice to the person committing or permitting the violation and to any occupant or operator of the property.
- E. **Delivery.** The Zoning Administrator must send a notice of violation by registered or certified mail with proof of delivery to, or post it at, the last known address or usual place of abode of the owner or the owner's registered agent.
- F. **Beginning of the Appeal Period.** The appeal period begins on the date the Zoning Administrator mails or posts the notice of violation.

SECTION 10-3-118. Withholding of Approvals

The Zoning Administrator may withhold a zoning permit or other approval for any property on which a violation of this Ordinance exists, where the permit or approval would perpetuate or expand the violation.

SECTION 10-3-119. Criminal Penalties

- A. **Generally.** A violation of this Ordinance is a misdemeanor punishable by a fine of not more than \$1,000.
- B. **Abatement on Conviction.** If the violation is uncorrected at the time of conviction, the court must order the violator to abate or remedy the violation within a time period the court establishes.
- C. **Failure to Abate.** A violator who does not abate or remedy the violation within the time period the court establishes commits a separate misdemeanor offense punishable by a fine of not more than \$1,000.

SECTION 10-3-120. Civil Penalties

- A. **Designated Violations.** The following violations of this Ordinance are subject to civil penalties:
 - 1. Operating a homestay or short-term rental in violation of Section 10-3-36;
 - 2. Erecting a sign without a zoning permit, or otherwise violating Article F;
 - 3. Storing or displaying materials or goods outdoors in violation of Section 10-3-62 or Section 10-3-63; or
 - 4. Operating a home-based business in violation of Section 10-3-30.
- B. **Schedule.** A violation designated in this Section is punishable by a civil penalty of:
 - 1. \$100 for a first offense;
 - 2. \$200 for a second offense; and
 - 3. \$500 for each subsequent offense arising from the same set of operative facts.
- C. **Separate Offenses.** Each day a violation exists is a separate offense. A violation arising from the same set of operative facts may not be charged more frequently than once in any 10-day period. Civil penalties for a series of violations arising from the same set of operative facts may not exceed \$5,000 in total.

- D. **Criminal Prosecution.** Designating a violation for a civil penalty precludes prosecution of the violation as a criminal misdemeanor, unless civil penalties for the violation total \$5,000 or more.
- E. **Civil Summons.** The Zoning Administrator may issue a civil summons for a violation designated in this Section.
- F. **Admission of Liability.** A person issued a civil summons may appear in person, or in writing by mail to the Treasurer, before the date fixed for trial. A person who appears may waive trial, admit liability, and pay the civil penalty for the offense charged. The Zoning Administrator must inform the person of the right to stand trial and that a signature admitting liability has the same force and effect as a judgment of court.
- G. **Abatement.** A person who waives trial and admits liability must abate or remedy the violation within 30 days. The Zoning Administrator is authorized to allow a longer period, not to exceed 24 months, where correcting the violation requires a permit, construction, or the removal of a structure.

SECTION 10-3-121. Other Remedies

The Zoning Administrator may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, correct, or remove a violation or attempted violation of this Ordinance.

SECTION 10-3-122. Remedies Cumulative

The remedies this Ordinance provides are cumulative. The Zoning Administrator may pursue one or more remedies for the same violation, and pursuing one remedy does not waive any other. The civil penalty provisions of this Article limit the prosecution of designated violations as criminal misdemeanors.

ARTICLE L. Definitions and Rules of Construction

SECTION 10-3-123. Rules of Measurement

This Section provides the standards for measuring the dimensions, distances, and areas required by this Ordinance.

A. Lot Lines.

1. **Front Lot Line.** The boundary line separating a lot from the public street. On a corner lot, the front lot line is the shorter of the lot lines abutting the street. On a through lot, the front lot line is the lot line abutting the street to which the lot is addressed. On a lot that does not adjoin a public street, the front lot line is the boundary line separating the lot from the private street, travelway, shared or common area, or other area intended for and designated as the lot's primary frontage.
2. **Side Lot Line.** Any lot line that is neither a front lot line, a side street lot line, nor a rear lot line.
3. **Side Street Lot Line.** On a corner lot, the boundary line separating the lot from the public street that is not designated as the front lot line.
4. **Rear Lot Line.** The boundary line opposite and most distant from the front lot line.

B. Yards.

1. **Front Yard.** The space bounded by the front lot line, the side or side street lot lines, and the façade of the nearest principal building to the front lot line.
2. **Side Street Yard.** The space bounded by the side street lot line, the front lot line, the rear lot line, and the façade of the nearest principal building to the side street lot line. A side street yard does not include any portion of a lot that is a front yard.
3. **Rear Yard.** The space bounded by the rear lot line, the side or side street lot lines, and the façade of the nearest principal building to the rear lot line. A rear yard does not include any portion of a lot that is a front yard or side street yard.
4. **Side Yard.** The space bounded by the side lot line, the front lot line, the rear lot line, and the façade of the nearest principal building to the side lot line. A side yard does not include any portion of a lot that is a front yard, a side street yard, or a rear yard.

C. Lot Measurements.

1. **Lot Area.** The total horizontal land area situated within the boundaries of a lot. For the purposes of calculating lot area, this measurement excludes the following:
 - a. Any areas within the right-of-way of a public street.
 - b. Any alley, regardless of whether dedicated in fee simple or as an easement.
 - c. Any area subject to an easement dedicated for public pedestrian access or otherwise containing a public sidewalk and adjacent to the public street.
2. **Lot Width.** The horizontal distance between the side lot lines, measured along the front lot line. Where the front lot line is curved, the lot width is measured along the arc of the curve.
3. **Street Frontage.** The continuous linear distance for which any lot line adjoins a public street.

D. Dimensional Measurements.

1. **Established Setback.** The actual, physical distance between a lot line and the nearest façade of an existing principal building on the lot.
2. **Minimum Setback.** The shortest allowable distance between a lot line and any building or structure.
3. **Maximum Setback.** The greatest allowable distance between a front or side street lot line and a principal building.

E. Building Measurements.

1. **Height.**

F. Other Terms.

1. **Street-Facing Building Façade.** Any exterior wall of a building that is visible from and oriented to a public street. A façade is street-facing if it is generally parallel to the public street or intersects the street line at an angle of 45 degrees or less.
2. **Corner Lot.** A lot situated at the intersection of 2 or more public streets, or bounded on 2 or more adjacent sides by public streets.

SECTION 10-3-124. Lists and Examples

Unless specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” are intended to provide examples and not exhaustive lists of all possibilities.

SECTION 10-3-125. Abbreviations and Acronyms

The following abbreviations and acronyms apply throughout this Ordinance and have the following meanings:

DCSM: Design and Construction Standards Manual.

GFA: Gross Floor Area.

OAA: Outdoor Activity Area.

USBC: Uniform Statewide Building Code.

SECTION 10-3-126. Undefined Terms

A word or phrase not defined in this Ordinance has its ordinary dictionary meaning.

SECTION 10-3-127. Definitions

Accessory Building or Structure: A building or structure that is incidental to and in connection with a principal building, structure, or use.

Accessory Use: An activity or purpose that is incidental to and in connection with a principal use.

Adult Business: Any of the following:

- A. An adult store;
- B. An adult motion picture theater;
- C. Any business that provides adult entertainment; or
- D. Any other establishment that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas, or that is intended for the sexual stimulation or titillation of patrons.

Adult Day Support Center: A nonresidential facility offering structured activities, training programs, supportive services, and personal care during part of a 24-hour day to adults.

Adult Entertainment: Either of the following:

- A. Dancing, modeling, or other live performance, if the performance emphasizes specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons; or
- B. The showing of films, motion pictures, videotapes, slides, photographic reproductions, virtual reality devices, files transmitted over the internet, or other media that emphasize matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or that are intended for the sexual stimulation or titillation of patrons.

Adult Merchandise: Any of the following:

- A. Magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that emphasize matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or that are intended for the sexual stimulation or titillation of patrons;
- B. Toys, novelties, instruments, or devices designed or marketed as representations of human genital organs or the female breast, or designed or marketed primarily for use to stimulate human genital organs; or
- C. Lingerie or leather goods marketed or presented in a context suggesting use for sadomasochistic practices.

Adult Motion Picture Theater: An enclosed building used to present materials to patrons, where the material emphasizes matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult Store: An establishment that has adult merchandise as a substantial or significant portion of its stock-in-trade.

Airport or Heliport: An area of land or water used for the landing and take-off of aircraft.

All-Weather Surface: An improved surface that is constructed of concrete, asphalt, uni-stone pavers, or other paving materials approved by the City Engineer.

Alley: An access route less than 30 feet in width that provides secondary access to the side or rear of a lot.

Animal Kenneling and Training: An establishment that, for a fee, provides one or both of the following: (a) shelter, feeding, and care for companion animals not owned by the proprietor; or (b) training instruction for companion animals, regardless of whether the animal is boarded overnight. This use includes dog day care centers.

Animal Shelter: A facility that is used to house or contain animals and that is operated for the purpose of finding adoptive homes for those animals. These facilities primarily serve companion animals, but may include limited space for livestock.

Antenna: A whip, panel, disc, rod, dish, or similar device used to transmit or receive telecommunications signals.

Apartment Building: A building containing 3 or more dwelling units located on a single lot.

Assisted Living Facility: A congregate residential facility licensed by the Department of Social Services of the Commonwealth of Virginia that provides or coordinates personal health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of 4 or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting.

Beehive: A structure, together with its equipment and appurtenances, used to house a colony of honeybees.

Beekeeping: The keeping of honeybee colonies in 1 or more beehives.

Bicycle Parking Space: An area designed for the parking of a bicycle, including any associated device used to secure the bicycle.

Block: A contiguous area bounded on all sides by streets. A block may contain 1 or more alleys.

Block Face: The property abutting 1 side of a street and lying between the 2 nearest intersecting streets.

Boarding or Rooming House: A group living use for more occupants who do not meet the definition of family than otherwise allowed by this Ordinance. Occupants may share sanitary facilities. Occupants must share a common cooking facility, and individual cooking facilities are prohibited. Tenancy is provided on at least a month-to-month basis. This use does not include an Independent Living Facility.

Brewery, Distillery, or Winery: A facility for the production of alcoholic beverages for distribution, retail, or wholesale, whether on- or off-premises.

Building: A structure, whether portable or fixed, having 1 or more stories, vertical surfaces, and a roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

Building Official: The appointed City official designated to serve as the code official for the administration and enforcement of the provisions of the Virginia Uniform Statewide Building Code.

Building and Materials Supplier: An establishment that supplies or stores materials, goods, and equipment used in the construction or repair of buildings or infrastructure off-site. This use does not include a Home Improvement Store. This use may include accessory retail and office uses for the operation of an associated contracting business.

Building Footprint: The area of the ground covered by a building, measured to the outside surface of the exterior walls at ground level. This area does not include the area of any upper story that extends beyond the ground story, or the area of any deck, level, or story of a structure above the ground story.

Business Garden: The cultivation of fruits, vegetables, herbs, or flowers for sale, managed by residents of the lot or of an adjoining lot under the same ownership. This use does not include cultivation solely for personal use.

Car Wash: An establishment engaged in the commercial washing, cleaning, and detailing of motor vehicles. This use may occur by hand or through automated or manual systems.

Catering, Takeout-Only, and Delivery-Only Kitchen: An establishment that prepares food on-site for consumption off-site and that has no seating or dining area. This use may include transporting and serving the food off-premises.

Cemetery: A place where lots or niches are sold for the burial or interment of human or animal remains. A cemetery may include administrative offices, maintenance buildings, and storage structures.

Child Day Care Center: An establishment that supervises, protects, and is responsible for the wellbeing of children for less than a 24-hour period, in a facility that is not the residence of the provider or any of the children. This use includes nursery schools and kindergartens.

College or University: An institution of higher education that offers post-secondary academic instruction leading to associate, bachelor's, graduate, or professional degrees. This use includes instructional buildings, administrative offices, research facilities, student housing, dining facilities, athletic facilities, and other customary campus uses. This definition includes satellite campuses and branch locations. This definition does not include a Training Facility or Vocational School that offers instruction primarily in technical or trade skills.

Collocation: The placement of a wireless telecommunications facility on an existing support structure.

Columbarium: A structure for the inurnment of cremated remains. This use may include associated walkways, seating areas, and landscaping.

Commercial Recreation, Indoor: An indoor facility for paid recreational activities. Sale and consumption of food and beverages may occur but is not the primary use. This use includes movie theaters, bowling alleys, indoor skating facilities, amusement arcades, indoor shooting and archery ranges, tennis and similar courts, and recreational crafting activities.

Commercial Recreation, Outdoor: A facility for active or passive recreation where activities take place predominantly outdoors. This use includes outdoor swimming pools, athletic fields or courts, and golf driving ranges when not associated with a Golf Course. This use does not include a Golf Course.

Community Amenity: An indoor or outdoor area, facility, or spaces designed principally for the exclusive use, convenience, and enjoyment of residents of a development. This use is typically owned and maintained by a property owners' association or management entity, and includes clubhouses, recreational courts, pools, laundry facilities, and leasing or management offices.

Community Center: A facility operated by a nonprofit corporation, fraternal organization, association, or group of people for social, educational, recreational, or service-oriented activities.

Concealed Wireless Facility: A wireless telecommunications facility integrated into an existing structure, or placed on a new support structure, designed so that its purpose is not readily apparent to a casual observer. Examples include bell towers, clock towers, artificial trees, flagpoles, minarets, monuments, parapets, religious symbols, smokestacks, steeples, and structures intended as art. This use does not include a small cell facility.

Contractor's Storage Yard or Service Shop: An establishment used to store vehicles, equipment, and materials and to operate businesses engaged in construction, installation, repair, or maintenance activities, including landscaping or grounds maintenance. Services may include HVAC, electrical, flooring, painting, plumbing, roofing, tiling, and similar trades.

Crematory: A facility where human or animal bodies are incinerated and the ashes are collected for permanent burial, scattering, or storage in urns.

Crisis Center: An establishment primarily engaged in providing any of the following services:

- A. Short-term emergency shelter for victims of domestic violence, sexual assault, or child abuse; or
- B. Temporary residential shelter for the homeless, runaway youths, and patients and families in medical crises.

Data Center: A facility used for the storage, management, processing, and transmission of digital data. It may house computer servers, networking equipment, and related systems, and may include supporting infrastructure such as backup power, cooling systems, and utility connections. This use does not include small server rooms or information technology infrastructure that is accessory to a separate principal use.

Development: Any man-made change to improved or unimproved real estate, including the construction, reconstruction, alteration, or enlargement of any structure; any earthwork, grading, paving, or excavation; and any establishment or change of a land use.

Development Site: The entire land subject to a single Site Plan or Zoning Plan, including all lots, common areas, shared facilities, and private streets, regardless of internal lot lines.

Distillery: See “Brewery, Distillery, or Winery.”

Drive Aisle: A circulation route through a Parking Lot for vehicle traffic that provides access to Vehicle Parking Spaces and that may connect to a Driveway.

Drive-Through Facility: An accessory use in which goods or services are provided to the occupants of a motor vehicle without requiring the occupants to leave the vehicle. This use includes a drive-through window and a drive-up service. This use does not include a Car Wash, a Vehicle Fuel Station, a Vehicle Service Station, a controlled or gated parking entrance, or the provision of services to customers remaining in their motor vehicle while it is parking in a parking space designated for curbside pickup.

Driveway: A private vehicle access from a street or alley to the interior of a lot.

Duplex: A building containing 2 dwelling units on a single lot.

Dwelling or Dwelling Unit: A building or portion of a building that provides complete, independent, and permanent cooking, sanitation, and sleeping facilities. A Dwelling Unit must be designed and arranged so that no person is required to pass through another dwelling unit to access it. Each dwelling must be physically separated from any other dwellings that may be in the same building. Each dwelling unit must have direct access to the outside or to a common hallway, breezeway, or other shared access area.

Dwelling, Apartment: A dwelling unit within an apartment building.

Dwelling, Single-Family Attached: 1 of 2 dwellings, each located on a separate lot and attached to the other by a shared wall.

Dwelling, Single-Family Detached: A building containing a single dwelling, located on a single lot, and entirely separated from any other dwelling by setbacks on all sides. This use includes a manufactured home, provided the manufactured home is placed on a permanent foundation, converted to real property pursuant to Virginia Code § 46.2-653.1, and issued a certificate of occupancy within 5 years of the date of manufacture listed on the home's data plate.

Dwelling, Townhouse: 1 of a group of 3 or more contiguous and linearly arranged dwelling units, each on its own lot, and each of which abuts at least 1 other townhouse dwelling.

Emergency Communications Tower: A telecommunications tower erected primarily for the Harrisonburg-Rockingham Emergency Communications Center.

Establishment: A business, institution, place, or entity that operates or hosts a use, including any business, trade, or occupation. Establishment includes all buildings, structures, land, facilities, or equipment engaged in operating the use.

Family: A group of people living together consisting of one of the following:

- A. One or more persons related by blood or marriage and any number of natural children, foster children, stepchildren, adopted children, or children in kinship care; or
- B. One or 2 persons with their dependent children, including natural children, foster children, stepchildren, adopted children, or children in kinship care, functioning as a single household.

Feed Mill: A facility that stores, processes, and mills grain to manufacture food, premixes, or supplements for animal consumption.

Filing: An application, appeal, registration, or request submitted under this Ordinance.

Financial Institution: An establishment where the primary occupation is financial services, such as banking, savings and loans, loan offices, check cashing, and currency exchange outlets.

Funeral Home: A building or part of a building used for funeral services, which may include embalming rooms, preparation areas, storage for caskets and urns, and storage for funeral vehicles. This use may include a columbarium. This use does not include a Crematory.

Gallery: See "Museum or Gallery."

Golf Course: An outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. This use may include a club house, driving range, putting greens, and shelters.

Grocery Store: A retail establishment primarily engaged in the sale of food and household goods for off-premises consumption. This use may include accessory uses such as a pharmacy, bakery, deli, or florist.

Gross Floor Area: The floor area within the inside perimeter of the exterior walls of a building, without deduction for corridors, stairways, ramps, closets, columns, or the thickness of interior walls. Where a building or portion of a building has no surrounding exterior walls, this area is the usable area under the horizontal projection of the roof or floor above. This area does not include vent shafts, shafts with no openings, or interior courts.

Health and Exercise Facility: An indoor facility where patrons participate in exercise or similar activities designed to improve or preserve physical fitness or athletic skills. Examples include health clubs, gyms, yoga studios, cycling classes, and martial arts instruction. Accessory uses to serve members may include child care, retail sales, massage therapy, and personal service.

Heavy Equipment or Specialized Vehicles: Farm machinery or equipment; trucks that have more than 2 axles; buses and vans designed to transport more than 15 passengers; recreational vehicles, trailers, and boats; and manufactured homes.

Heavy Equipment Yard: An establishment primarily engaged in the sale, rental, or repair of heavy equipment or specialized vehicles. This use includes the sale of parts and equipment for over-the-road tractors, their trailers, and heavy equipment and specialized vehicles.

Heliport: See “Airport or Heliport.”

Home-Based Business: An economic activity, profession, or trade conducted by a resident of the dwelling. A Home-Based Business must be secondary to the residential use. All associated activity must take place entirely within a dwelling or accessory building, unless an outdoor component is expressly authorized for a specific defined use.

Home-Based Child Care, Small: A Home-Based Business providing compensated care for up to 4 children under the age of 13. The provider’s own children and any children who reside in the dwelling do not count toward this number.

Home-Based Child Care, Large: A Home-Based Business providing compensated care for 5 to 12 children under the age of 13. The provider’s own children and any children who reside in the dwelling do not count toward this number.

Home Improvement Store: A retail establishment principally engaged in the sale of hardware, tools, building materials, paint, or home improvement goods directly to consumers, conducted principally within an enclosed building. This use may include an accessory garden center or outdoor display or storage of goods and materials.

Homestay: The provision of at least 1 lodging or overnight accommodation space within the principal building for transient occupancy of a maximum of 4 guests at any one time.

Hospital: A licensed and accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Hotel or Motel: A facility offering lodging to the general public. Accessory uses may include restaurants, meeting rooms, conference facilities, personal services, and recreational facilities.

Household Repair Service: An establishment providing repair services for personal and household goods, including household appliances, computers, televisions, furniture, and leather goods. This use does not include maintenance and repair of vehicles.

Improved Surface: A surface improved for parking vehicles. May include gravel, stone, and all-weather surfaces.

Independent Living Facility: A residential facility for 4 or more adults consisting of individual dwelling units or private rooms. This use must be restricted to occupancy as housing for older persons under § 36-96.7 of the Code of Virginia. This use does not require personal care services, 24-hour supervision, or nursing services as a condition of residency. This use may include communal dining, housekeeping, transportation, or recreational services offered as an amenity. This use may include common cooking facilities. This use does not include an Assisted Living Facility, Nursing Home, or Boarding or Rooming House.

Institutional Master Plan: A plan approved by City Council with a zoning map amendment to the Institutional Master Plan (IMP) District that governs development within that district.

Landscaping: Living vegetation used to enhance or improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation.

Landscaping Island: A curbed or otherwise delineated landscaped area within a parking lot that divides or terminates a parking bay.

Landscaping Median: A curbed or otherwise delineated landscaped area within a parking lot that extends the length of a parking bay, between the rows of vehicle parking spaces within that bay.

Loading Space: An off-street area, space, or dock used for the loading or unloading of cargo, products, or materials.

Lodging: Any use intended for living and sleeping exclusively on a transient basis.

Lodging Unit: A room or connected group of rooms forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis. Each lodging unit must have its own bathroom and may contain dependent kitchen facilities.

Lot: A single recorded parcel, tract, or other area of land established by plat or other means as permitted by law and intended to be used, developed, or built upon.

Manufacturing: A facility for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. This use may include offices, indoor and outdoor storage, and employee-caretaker's quarters.

Meat Processing, General: An establishment for the slaughter and processing of game or domestic animals, which may include temporary outdoor storage of animals and storage facilities for distribution of processed meat.

Meat Processing, Poultry: An establishment for the slaughter and processing of poultry or fowl, which may include temporary outdoor storage of poultry or fowl and storage facilities for distribution of processed poultry or fowl.

Medical Office: An establishment where patients are admitted for examination and treatment by individuals licensed by the Commonwealth to practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis.

Microcell, DAS, and Macrocell: A wireless telecommunications facility consisting of antennas and associated equipment collocated on an existing building or structure. This use includes industrial microcells, such as signal boosters, repeaters, and bi-directional amplifiers, and distributed antenna systems (DAS), which are networks of spatially separated antennas connected to a common signal source. This use does not include a small cell facility, a concealed wireless facility, a telecommunications tower, or a consumer signal booster for household or personal use.

Micromanufacturing: The indoor production and storage of artisan goods that are produced in small quantities using small hand tools or light machinery. Examples of this

use include 3-D printing, candle making, coffee roasting, cosmetic production, jewelry manufacturing, and leathercrafting.

Micro-Wireless Facility: A small cell facility that meets the size limits for a micro-wireless facility in Virginia Code § 15.2-2316.3.

Motel: See “Hotel or Motel.”

Museum or Gallery: An establishment that is open to the public and primarily used for the display or exhibition of art, objects, collections, artifacts, or other items of cultural, historical, scientific, or educational interest. This use may include gift shops, classrooms, meeting rooms, special events, and administrative offices.

Nursing Home: A facility licensed by the Virginia Department of Health that provides, on a continuing basis, nursing services and health-related services for the treatment and inpatient care of 2 or more nonrelated individuals. This use includes a convalescent home, skilled nursing facility, extended care facility, and hospice care facility. This use does not include an Assisted Living Facility or Residential Treatment Facility.

Outdoor Activity Area: An area of a lot outside of a building, whether or not covered, in which a principal or accessory use is conducted. This area includes outdoor dining, outdoor display and sales, outdoor storage, outdoor recreation, and animal exercise areas. This area does not include parking lots, loading areas, waste receptacle enclosures, landscaping, stormwater management facilities, pedestrian walkways, or undeveloped land.

Outdoor Display and Sales: An unenclosed area where the primary purpose is for the retail display of merchandise.

Outdoor Storage: An unenclosed area used for the holding or storage of goods, junk, materials, equipment, vehicles, or merchandise that are not actively displayed for sale and that remain on the lot for more than 24 hours. This area does not include an area used for outdoor display and sales.

Parking Garage: A structure, or portion of a structure, used for the parking or storage of motor vehicles.

Parking Lot: An open area, not within a public street, that is designed, constructed, or used for the temporary or long-term parking or storage of motor vehicles. A Parking Lot includes all vehicle parking spaces, drive aisles, drive-through facilities, loading spaces, maneuvering areas, and any associated paved or improved surfaces but excludes public streets and alleys.

Parking Lot Alteration: A change to the location or dimensions of a vehicle parking space or drive aisle within an existing parking lot, without an increase in the area of the parking lot. A parking lot alteration includes a change that results in additional parking spaces. A parking lot alteration does not include resurfacing, sealing, restriping, or other routine maintenance that leaves the location and dimensions of each vehicle parking space and drive aisle unchanged.

Parking Lot Expansion: An increase in the area of an existing parking lot. A parking lot expansion includes an increase in area that results from paving, striping, or otherwise improving previously unimproved ground for vehicle parking or drive aisles.

Personal Service: An establishment primarily engaged in rendering frequent or recurrent services of a personal nature to individuals. Examples include barber shops and beauty salons, tattoo parlors, laundromats, laundry and drycleaning sites, photography studios, tailors, and shoe cleaning and repair.

Pet Adoption: An establishment where companion animals are bought, sold, exchanged, or offered for adoption.

Pet Grooming: An establishment that provides grooming services to companion animals or pets. Services may include cleaning, cutting, styling, or maintaining of an animal's skin, coat, hair, or feathers. This use does not include the boarding or overnight stay of animals.

Pharmacy: A retail establishment that provides prescriptions, medicine, and associated medical items, and which may include the sale of toiletries, cosmetics, and packaged food, and similar items.

Plant Nursery or Greenhouse: An establishment primarily engaged in the cultivation, display, and retail or wholesale sale of plants, shrubs, trees, and associated gardening or landscaping supplies. This use may include indoor greenhouse facilities and outdoor growing or display areas.

Principal Use: The main activity or purpose of land or structures, as distinguished from an accessory use.

Private Club: A facility operated by a nonprofit corporation, fraternal organization, or other association where use of the facility is restricted to members of such association and their guests. This use may include food and drink service, game rooms, and meeting rooms.

Private School: An establishment offering a curriculum for the elementary school or secondary school level leading to a high school diploma that is not operated by Harrisonburg City Public Schools. This use includes schools operated by other public school divisions.

Private Street: A privately owned and maintained street. A Private Street must be constructed to the private street standards in the DCSM.

Professional Office: A building or portion of a building used for: professional, executive, management, financial, research, or administrative business or activities; or the conduct of a business by professionals, including architects, artists, accountants, engineers, insurance agents, lawyers, and musicians. A Professional Office does not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, or repair of materials, goods, or products.

Public School: An establishment for the education of students that is under the authority of the Harrisonburg City Public Schools.

Public Street: The entire right-of-way of a dedicated public thoroughfare that affords the principal means of access to abutting properties, including road, highway, drive, lane, avenue, place, boulevard, or other thoroughfare. This right-of-way includes any sidewalk, planting strip, shoulder, curb, or gutter within it. This definition does not include an alley or other public right-of-way less than 30 feet in width.

Public Use: Any land, building, or structure held, used, or controlled primarily for public purposes by any department or branch of the federal government, Commonwealth of Virginia, or the City of Harrisonburg under the direct authority of the City Council, City of Harrisonburg School Board, or any joint exercise of powers by the City Council, regardless of the land, building, or structure's ownership.

Pump: A single fueling position from which fuel is dispensed into one vehicle at a time.

Radio or Television Station or Studio: An establishment containing at least one broadcast studio for over-the-air, cable, or satellite delivery of radio or television programs.

Recovery Residence: A housing facility that provides alcohol-free and illicit-drug-free housing to individuals with substance use disorders and individuals with co-occurring mental illnesses that does not include clinical treatment services.

Religious Assembly: A structure or group of structures intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities. This use may include religious instruction classrooms, associated offices, counseling programs, youth programs, childcare facilities, recreational facilities, food banks, and a columbarium.

Residential Treatment Facility: A facility licensed by the Department of Behavioral Health and Developmental Services that provides living, sleeping, and sanitation accommodation

in conjunction with treatment services delivered on a 24-hour basis. This use includes a facility providing any of the following:

- A. Residential treatment;
- B. Withdrawal management;
- C. Crisis stabilization;
- D. Psychiatric residential treatment; or
- E. Substance use treatment, including an intermediate care facility.

This use does not include a Nursing Home, Assisted Living Facility, or Independent Living Facility.

Restaurant: An establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for individual consumption on- or off-premises.

Retail, General: An establishment primarily engaged in the sale or rental of goods, merchandise, or commodities directly to the consumer. This use serves as a catch-all for retail establishments not defined elsewhere in this Ordinance.

Retail Showroom: An establishment primarily engaged in the display and sale of large-format or durable goods that are typically purchased infrequently and often delivered to the customer after sale. Merchandise commonly includes furniture, mattresses, appliances, cabinetry, lighting, flooring, and similar items. These establishments are characterized by extensive floor area devoted to product display, lower customer turnover, and comparatively lower parking demand per square foot.

Salvage or Scrap Yard: The use of any space, inside or outside of a building, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material. This use includes the dismantling, demolition, or abandonment of automobiles, other vehicles or machinery, or their parts. This use includes any placement of more than 5 inoperable motor vehicles that are exposed to the weather.

Self-Service Storage: A building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods.

Shared Parking Area: A parking lot, parking garage, or 2 or more adjoining parking lots that function as a single parking area, that serves uses located on 2 or more lots.

Short-Term Rental: The provision of at least 1 lodging or overnight accommodation space within a principal or accessory building for transient occupancy.

Site Plan: A detailed engineering drawing and accompanying documentation showing the proposed layout and design of a development, prepared to ensure compliance with this Ordinance, the Subdivision Ordinance, and the DCSM.

Small Cell Facility: A wireless telecommunications facility that meets the size limits for a small cell facility in Virginia Code § 15.2-2316.3.

Solar Facility: A facility for the primary purpose of collecting, generating, and transferring electric energy from solar radiation.

Specified Anatomical Areas: Any of the following:

- A. Human genitals, the pubic region, or the buttocks, if less than completely and opaquely covered;
- B. The female breast below a point immediately above the top of the areola, if less than completely and opaquely covered; or
- C. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse, or sodomy; or
- C. Fondling or other erotic touching of the human genitals, pubic region, buttocks, or female breast.

Support Structure: Any structure that supports or may support a wireless telecommunications facility, including a telecommunications tower and any structure attached to or on top of a building.

Storage or Impound Lot: A facility for the temporary outdoor storage of vehicles, including heavy equipment or specialized vehicles, whether operable or inoperable. This use includes:

- A. Storage of these vehicles or equipment when towed or impounded for legal violations, accidents, or abandonment;
- B. Fleet storage; and
- C. Staging areas for towing and recovery services.

Story: That portion of a building included between a floor and the floor or roof next above it, provided that its finished floor surface is entirely above grade, or the finished floor surface of the story above it is more than 6 feet above grade or more than 12 feet above the finished ground level at any point.

Street: A public or private thoroughfare, other than an alley or driveway, that provides vehicular access to abutting properties.

Structural Alteration: Any change to the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, girders, or foundations.

Structure: An assembly of materials forming a construction for occupancy or use, including buildings, stadiums, tents, platforms, stagings, observation towers, telecommunications towers, radio and television broadcasting towers, water tanks, swimming pools, sheds, shelters, fences, walls, and pipelines.

Subdivision: The division of land into 2 or more new lots.

Telecommunications Tower: A structure designed, constructed, or repurposed primarily to support antennas for wireless telecommunications services. This use includes monopoles, guyed and self-supporting lattice towers, and repurposed structures such as decommissioned water towers, feed mills, and utility towers. This use does not include a concealed wireless facility or an emergency communications tower.

Tobacco, Smoke, or Vape Shop: An establishment where any combination of the following products are 25 percent or more of its total inventory or 15 percent or more of its total display area: tobacco products, nicotine vapor products, alternative nicotine products, and hemp products, as those terms are defined in the Code of Virginia § 18.2-371.2; and any kratom products as regulated by the Code of Virginia § 59.1-200.

Townhouse, Exterior: A townhouse dwelling at either end of a series of townhouses that shares a wall with 1 other townhouse dwelling.

Townhouse, Interior: A townhouse dwelling within a series of townhouses that shares walls with 2 other townhouse dwellings.

Training Facility or Vocational School: An establishment offering regularly scheduled instruction in technical, commercial, or trade skills.

Travelway: A privately owned and maintained vehicular route, other than a Drive Aisle, that is not part of a Public Street or Private Street. A Travelway must be constructed in accordance with the design standards for travelways in the DCSM.

University: See “College or University.”

Vehicle Fuel Station: An establishment primarily engaged in the retail sale of any motor vehicle fuel, including gasoline, diesel fuel, natural gas, hydrogen, and electricity. This use may include the accessory retail sale of convenience goods and prepared foods.

Vehicle Parking Space: An off-street area designated for the parking of a single motor vehicle.

Vehicle Repair and Maintenance: An establishment providing high-intensity mechanical and body work for motor vehicles. This use includes collision repair, frame straightening, painting, welding, engine and transmission overhauls, and work involving the removal of the engine head or transmission.

Vehicle Sales and Rental: An establishment engaged in the retail sale, lease, or rental of new or used motor vehicles, including passenger cars, light trucks, motorcycles, and recreational vehicles.

Vehicle Service Station: An establishment providing routine maintenance and minor mechanical repairs for motor vehicles. Services may include oil changes, tire rotation and sales, brake repair, battery replacement, state inspections, and minor engine adjustments that do not require removal of the engine head or transmission.

Veterinary Hospital: An establishment for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. This use includes the incidental temporary overnight boarding of animals that are recuperating from treatment or otherwise subject to medical evaluation.

Vocational School: See “Training Facility or Vocational School.”

Volunteer Rescue Squad: A nonprofit organization, staffed by volunteers, that provides emergency medical services, rescue services, or both, to the public.

Warehousing and Freight Movement: An establishment used for the storage or movement of goods, with little or no on-site retail sales to customers. Goods may be received individually or in bulk for short-term holding and storage. This use includes sorting, packaging, or redistribution of goods for shipment off-site.

Waste-Related Service: An establishment that receives solid or liquid wastes from others for treatment or transfer to another location, or that uses solid or liquid wastes for the manufacture or production of goods or energy.

Wholesale: An establishment for the sale of goods, merchandise, and commodities in gross, primarily for resale purposes.

Wireless Telecommunications Facility: An unmanned facility at a fixed location, consisting of equipment and any supporting structure, that enables wireless communications between user equipment and a communications network. A wireless telecommunications facility may include antennas, radio transceivers, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment. This term does not include radio or television studio equipment, amateur radio facilities, or consumer signal boosters for household or personal use.

Winery: See “Brewery, Distillery, or Winery.”

Zoning Administrator: The appointed City official who serves as the Zoning Administrator, charged with the interpretation, administration, and enforcement of the Zoning Ordinance for the City of Harrisonburg, or any designee of the Zoning Administrator.

Zoning Plan: A drawing showing the existing and proposed conditions of a lot or development site, used to demonstrate compliance with the dimensional, use, and layout standards of this Ordinance.