

DRAFT - June 15, 2020

**REVISED ZONING ORDINANCE
CITY OF BRISTOL, VIRGINIA**



For Public Review and Comment

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Sec. 50-6. - Private restrictions

This article is not intended to override any easement, covenant, or any other private agreements provided that where the regulations of this article are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this article shall govern.

Sec. 50-7. – Severability

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

Sec. 50-8. – Lots of record

- (a) Where a lot at the time of the adoption of the ordinance or at the time of subsequent amendment to this article does not meet the minimum lot size for the district in which it is situated, such lot may be used as a building site for a single-family residence in a district where residences are permitted, provided the yard space and other requirements are met
- (b) If two or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of the ordinance or its subsequent amendment and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot.

Sec. 50-9. - Only one principal building on any lot

In single- and two-family residence districts, only one principal building and its customary accessory building or buildings may hereafter be erected on any lot.

Sec. 50-10. - Reduction of lot area prohibited

No lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area or other requirements of this article are not maintained. This section shall not apply when a portion of lot is acquired for a public purpose.

Sec. 50-11. - Obstructions to vision at street intersections prohibited.

At all street intersections, adequate sight distances shall be maintained, except within the B-2 central business district. Although the B-2 central business district requires no front setback distance, sight distance shall be provided to the greatest extent possible.

Sec. 50-12. - Annexation.

In case of annexation to the city, or in case property comes into the territorial jurisdiction of the city other than by annexation, the regulations applying to existing county zoning

shall be construed to apply to all such annexed or new territory pending amendment to this article.

Sec. 50-13. - Street Frontage

No residential building shall be erected on a lot which does not abut a public street for a minimum of 50 feet, unless it meets one of the following exceptions:

- (a) Such lot is legally recorded prior to the adoption of the city subdivision ordinance and has an easement or right-of-way legally platted and/or recorded to a public street or road. A street connection for such easements or private rights-of-way shall be subject to the entrance requirements of the city. Nothing contained in this section shall be construed to permit the subdivision or re-subdivision of lots or tracts abutting such private easements or rights-of-way in such manner as to violate any provision of the subdivision ordinance of the city.
- (b) Lots which front on a cul-de-sac shall not be required to meet the minimum frontage requirement, provided that the frontage is sufficient to permit the construction of a state department of transportation standard residential entrance, including required radii; the front building restriction line is moved toward the rear of the lot a sufficient distance to provide the full lot width requirement for the zoning district; the rear and side yard requirements are maintained; and the lot meets the minimum area requirement for the zoning district. Any lot shall have been subdivided and/or recorded prior to the adoption of the city's subdivision ordinance, or the lot shall have been subdivided in accordance with the applicable city subdivision ordinance.
- (c) Lots may front on private streets within condominium and multifamily apartment complexes and in other types of developments as set forth in the city's subdivision ordinance and the design criteria for subdivision streets set forth in the VDOT Road Design Manual - Subdivision Street Design Guide, except that no right-of-way shall be required. A plan of perpetual maintenance shall be established with provisions satisfactory to the planning commission to assure that such private streets shall be maintained in a satisfactory manner without expense to the city.

Sec. 50-14. – Amendment

- (a) The planning commission may, and at the direction of the governing body shall, consider amendments to this article, by the process prescribed in Code of Virginia §15.2-2285, including a change to the zoning map commonly called a “rezoning.” The commission shall hold at least one public hearing on any amendment, after notice as required by §15.2-2204, and may make appropriate changes in the proposed amendment as a result of the hearing. Upon the completion of its work, the commission shall present the proposed amendment to the city council together with its recommendations and appropriate explanatory materials.
- (b) No amendment shall be approved unless the city council has referred the proposed amendment to the planning commission for its recommendation. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment has been referred to the commission, or such shorter period

as may be prescribed by the city council, shall be deemed approval, unless the proposed amendment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

- (c) Before approving and adopting any amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.2-2204, including the practice of holding a joint public hearing together with the planning commission. After such public hearing, the governing body may make appropriate changes or corrections in the proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by § 15.2-2204. Zoning ordinance amendments shall be enacted in the same manner as all other ordinances.
- (d) An amendment of this article may be initiated by any one of the following three means:
1. The zoning amendment application of one or more persons interested in the proposed amendment, which application shall be filed with the planning commission and shall be accompanied by a fee as provided in the appendix to this chapter.
 2. The resolution of intention of the city council.
 3. The resolution of intention of the planning commission.
- (e) A petition for an amendment will not be considered for six months if the request has been previously denied by city council.

Secs. 50-15. through 50-21. – Reserved

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DIVISION 2. ESTABLISHMENT OF DISTRICTS

Note: Some revisions have been made in the description of the districts. Two new districts have been added: Historic Overlay District and Flexible Redevelopment District – both of which were recommended in the city Comprehensive Plan.

Sec. 50-22. – Districts and Purposes

The general purposes of this article are to promote the health, safety, convenience, order, prosperity, and general welfare of the people of the city. For the purpose of this article, the city is hereby divided into the districts designated below which are shown on the zoning map. The districts have been designated after consideration of the character of each district, its suitability for particular uses and its relation to the future land use plan for the city. It is the intent of this article to conserve the value of buildings; encourage the most appropriate use of land throughout the city; reduce congestion in the streets; provide adequate light and air; prevent the overcrowding of land; and facilitate adequate provisions of transportation, water, sewer, schools, and parks, to the end that this city may become a better city in which to live.

(a) *Single-Family Residential – Limited (R-1A)*. The purpose of this district is to protect single-family uses in areas of established development with lots of at least 15,000 square feet in size.

(b) *Single-Family Residential – General (R-1)*. The purpose of this district is to provide low-density, single-family residential uses in protected surroundings. This district is intended to be located away from the center of the city where the environment is conducive to this type of use and more suburban in nature. Development in this district is encouraged to preserve natural features, allow flexibility in subdivision development planning and provide distinctive developments in conformity with existing residential patterns.

(c) *Single and Two-Family Residential (R-2)*. The purpose of this district is to provide areas for the development of moderate-density residential uses and structures in moderately spacious surroundings. This district is to be located in the intermediate portions of the city where a protected environment suitable for moderate-density residential uses can be provided and in established moderate-density residential areas to ensure their continuance.

(d) *Moderate-Density Residential (R-3)*. The purpose of this district is to provide areas for the development of moderate-density residential uses and structures in moderately spacious surroundings. This district is to be located in the intermediate portions of the city where a protected environment suitable for moderate-density residential uses can be provided, and in established moderate-density residential areas, to ensure their

continuance. This district is also appropriate on a smaller scale in the suburban portions of the city as a transitional or buffer zone between low-density residential districts and commercial districts, industrial districts or major transportation arteries, and other uses that are not compatible with a low-density residential environment. This district allows for single-family attached dwellings or townhouses (through the townhouse development standards) connected horizontally with compacted front, rear, and side yards, and typically having their own entry from the street or sidewalk.

(e) *High-Density Multi-Family Residential (R-4)*. The purpose of this district is to provide for the development of moderate- to high-density residential uses and structures in areas with adequate community facilities, public utilities, and other public services. This district is appropriate for apartment buildings, condominiums, and townhouses. It is intended that large-scale use of this district be confined to the intermediate and central portions of the city.

(f) *Golf Course Residential District (GCR)*. The purpose of this district is to provide a protected area for golf course and residential development connected with a golf course, including both detached and attached single-family dwellings.

(g) *Manufactured Home Park Residential (R-MH)*. The purpose of this district is to provide for needed and properly planned mobile home parks in which spaces are offered on a rental or lease basis for owner or tenant occupied mobile homes. These districts may be located only in such areas as will not adversely affect the established residential subdivisions and residential densities in the city. Such location shall have necessary public services, a healthful living environment and normal amenities associated with residential districts of the city.

(h) *Neighborhood Business District (B-1)*. The purpose of this district is to provide attractive areas for the medium-density development of office buildings and restricted commercial uses. This district encourages high quality office-type development and neighborhood-type stores, services, and commercial centers compatible with residential development in a protected environment catering to the everyday needs of a limited residential area.

(i) *Central Business District (B-2)*. The purpose of this district is to provide for the preservation of retail and commercial enterprise in the central business district that serves the entire city and the surrounding area. It is for those uses which require a central location and which provide businesses and services to be used by the entire community and its surrounding area.

(j) *General Business District (B-3)*. The purpose of this district is to provide a place for business uses that do not require a central location. It shall provide areas for the development of retail and personal-service commercial, community and regional shopping centers of integrated design and high-density development of commercial

businesses in certain areas adjacent to major transportation arteries or thoroughfares within the city.

(k) *Office and Institutional (O-I)*. The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of office and institutional uses that do not generate substantial volumes of vehicular traffic.

(l) *Light Industrial District (M-1)*. The purpose of this district is to provide for the development of commercial and light manufacturing industries, which do not have large space requirements and do not generate odors, smoke, fumes, or excessive noise. This district is also for warehousing and storage. A court of record must not have declared such use a nuisance.

(m) *General Industrial District (M-2)*. The purpose of this district is to provide areas for development of heavy industrial uses that have extensive space requirements and/or generate substantial amounts of noise, vibrations, odors, or possess other characteristics that may be detrimental, hazardous, or otherwise offensive and incompatible with other land uses.

(n) *Agricultural (A)*. This district is to protect rural, open type uses, including farming operations within the corporate limits. It allows for an orderly transition from the open rural uses to the more intensive urban uses as the need occurs. Domestic water and sewage facilities, police and fire protection, and other services necessary to accommodate urban type development already exist in the area or can be economically extended as urbanization takes place.

(o) *Floodplain District (F)*. These districts are established to meet the needs of Beaver Creek, Little Creek, and other streams and drainage ways designated by the Federal Emergency Management Agency to carry abnormal flows of water in time of flood; to prevent encroachments in the districts which will increase flood height and damage; and to prevent the loss and excessive damage to property in the areas of greatest flood hazard.

(p) *Historic Overlay District (HO)*. This district is established in accordance with VA Code 15.2-2306 to protect and enhance valuable historic resources of the city. The purpose of the district is to encourage preservation and rehabilitation of historic structures and prevent loss of irreplaceable historic resources and diminishment of the city's historic districts. Protection of historic resources enhances tourism and economic opportunities, preserves property values, contributes to more attractive neighborhoods, and implements the objectives of the city Comprehensive Plan

(q) *Economic Development Overlay Districts*. These districts serve to further enhance investment and development in these designated areas, but do not change the underlying zoning district.

1. The purpose of the Arts and Entertainment District is to promote mixed use and commercial development that expands the presence of and enhances the arts, culture, and entertainment within the district.
2. The purpose of the Tourism Zone overlay is to promote investment in the tourism industry through economic incentives and regulatory flexibility for eligible businesses that attract visitors.
3. The purpose of the Enterprise Zone is to stimulate business and industrial growth by means of incentives for real property investment and job creation, particularly in older areas of the city that have experienced loss of jobs and are in need of new capital investment.

(r) *Planned Unit Development District (PUD)*. The purpose of the planned unit development is to provide more desirable environments through the application of flexible and diversified land development standards under a master plan. The PUD is to encourage the appropriate mix of residential and commercial/office uses in a unified development with an interconnected system of roads, sidewalks, and paths. Benefits of a PUD include proximity of living units to employment, less infrastructure costs, more efficient provision of services, less environmental impact, and provision of attractive housing opportunities and amenities.

(s) *Flexible Redevelopment District (FRD)*. The purpose of this district is to encourage the creative redevelopment of certain previously-developed properties by allowing a mix of compatible land uses in conformity with the city Comprehensive Plan and with an approved site plan. This may entail the re-use of existing structures or the redevelopment of former commercial or industrial sites for new construction, or a combination of both activities. The intent is to rejuvenate economic activity to relatively large tracts that have been vacant, thereby providing jobs and increased tax base.

(t) *Railroad Zone (RR)*. The purpose of this district is to delineate all properties owned by the railroad and used for rail transportation purposes and closely related uses.

Sec. 50-23. - District Boundaries and Zoning Map

District boundaries are hereby established as shown on the Zoning Map of Bristol, Virginia, dated February 23, 2019 and amended by action of the City Council on (date) . The Zoning Map and all notations, amendments, and other information thereon are hereby made a part of these regulations to the same extent as if such information set forth on the map were all fully described and incorporated herein, Any change made to the Zoning Map must follow the amendment procedure contained in Section 50-14 and in compliance with the Code of Virginia. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the centerlines of streets, alleys, or highways or railroad right-of-way lines or such lines extended, such centerlines or railroad right-of-way lines or such lines extended shall be construed to be such boundaries.
- (b) Where district boundaries are indicated as approximately following the corporate limits line of the city, such corporate limits line shall be construed to be such boundaries.
- (c) Where district boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended shall be construed to be such boundaries.
- (d) Where district boundaries are indicated as approximately following the centerline of stream beds, such centerlines shall be construed to be such boundaries.
- (e) Where district boundary lines as appearing on the Zoning Map divide a lot in single ownership, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot by approval of the planning commission; provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the provisions of the district in which each part of such lot is situated shall apply.

Secs. 50-24. through 50-30. – Reserved

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DIVISION 3. LAND USES

Note: This division represents a substantial change in the format of the current zoning ordinance. The list of permitted “by right” uses found for each district in current city code Sections 50-86 through 50-123 have been organized into a set of charts with one section (50-31) for residential districts and another section (50-32) for non-residential districts. In addition, the chart shows uses that could be allowed by special use permit for each district. The list of uses has been updated and added in number and the uses are defined in Division 18. The existing “similar use determination” for non-residential uses has been retained in Sec. 50-33

Sec. 50-31. Residential Districts

The following chart lists types of residential land uses and those permitted by right and those permitted with a special use permit by the process prescribed in Division 14. Unless otherwise allowed by this article, any uses not listed are prohibited. Accessory uses not listed and as defined in Division 18 are permitted in every district subject to the standards in Section 50-134. Standards for the Manufactured Home Park Residential District are contained in Section 50-119. Appendix A contains the same information as this Section, however in a different format. In the case of any discrepancies between this Section and the Appendix, this Section takes precedent.

(a) R-1A Zone – Single-Family Residential – Low Density

Permitted by Right		Permitted with Special Use Permit
RESIDENTIAL		RESIDENTIAL
Single-Family Dwelling Group Home Accessory Uses, as regulated in §50-134	Home Occupation as regulated in §50-133 Temporary Family Health Care Structure Gardening Agricultural uses as regulated in §50-136	
COMMUNITY OR CIVIC USES		COMMUNITY OR CIVIC USES
Community Gardens Public Park/Playground Utilities, Minor	Municipal, state, federal uses, including public schools Church or place of worship Cemetery	Day Care Center Private School Community Center

(b) R-1 Zone – Single-Family Residential

Permitted by Right		Permitted with Special Use Permit
RESIDENTIAL		RESIDENTIAL
Single-Family Dwelling Group Home Accessory Uses, as regulated in §50-134	Home Occupation as regulated in §50-133 Temporary Family Health Care Structure Family day care home Gardening Agricultural uses, as regulated in §50-136	Accessory Dwelling, as regulated in §50-134 (f)
COMMUNITY OR CIVIC USES		COMMUNITY OR CIVIC USES
Community Gardens Public Park/Playground Utilities, Minor	Municipal, state, federal uses, including public schools Church or place of worship Cemetery	Day Care Center Private School Community Center

(c) R-2 Zone – Single and Two-Family Residential

Permitted by Right		Permitted with Special Use Permit
RESIDENTIAL		RESIDENTIAL
Single-Family Dwelling Two-Family Dwelling Townhouse, as regulated in §50-118 Group Home Accessory Uses and Accessory Dwelling, as regulated in §50-134	Home Occupation as regulated in §50-133 Family day care home Temporary Family Health Care Structure Gardening Agricultural uses as regulated in §50-136	Bed and Breakfast
COMMUNITY OR CIVIC USES		COMMUNITY OR CIVIC USES
Community Gardens Public Park/Playground Utilities, Minor	Municipal, state, federal uses, including public schools Church or place of worship Cemetery	Day Care Center Private School Community Center

(d) R-3 Zone – Moderate-Density Residential

Permitted by Right		Permitted with Special Use Permit
RESIDENTIAL		RESIDENTIAL
Single-Family Dwelling Two-Family Dwelling Townhouse, as regulated in §50-118 Multi-family dwelling (Moderate density) Group Home Family day care home	Accessory Uses and Accessory Dwelling, as regulated in §50-134 Home Occupation as regulated in §50-133 Temporary Family Health Care Structure Gardening	Bed and Breakfast Assisted Living Facility Children’s Residential Facility Transitional Housing
COMMUNITY OR CIVIC USES		COMMUNITY OR CIVIC USES
Community Gardens Public Park/Playground Utilities, Minor Cemetery	Municipal, state, federal uses, including public schools Church or place of worship Community Center Day Care Center	Private School

(e) R-4 Zone – High Density Residential

Permitted by Right		Permitted with Special Use Permit
RESIDENTIAL		RESIDENTIAL
Single-Family Dwelling Two-Family Dwelling Townhouse, as regulated in §50-118 Multi-family Dwelling (Moderate density) Multi-family Dwelling (High Density) Accessory Uses, as regulated in §50-134	Group Home Home Occupation (as regulated in §50-133) Temporary Family Health Care Structure Family day care home Gardening	Assisted Living Facility Children’s Residential Facility Transitional Housing
COMMUNITY OR CIVIC USES		COMMUNITY OR CIVIC USES
Community Gardens Public Park/Playground Utilities, Minor Cemetery	Municipal, state, federal uses, including public schools Church or place of worship Community Center Day Care Center	Private School

(f) GCR – Golf Course Residential

Permitted by Right		Permitted with Special Use Permit
RESIDENTIAL		RESIDENTIAL
Single-Family Dwelling Townhouse, as regulated in §50-118	Group Home Temporary Family Health Care Structure Accessory Uses, as regulated in §50-134 Gardening	
COMMUNITY OR CIVIC USES		COMMUNITY OR CIVIC USES
Community Gardens Public Park/Playground Utilities, Minor	Municipal, state, federal uses, including public schools Church or place of worship Cemetery	

Sec. 50-32. Non-Residential Districts

The following charts list types of non-residential land uses and those permitted by right and those permitted with a special use permit by the process prescribed in Division 14. Unless otherwise allowed by this ordinance, any uses not listed are prohibited. Accessory uses not listed and as defined in Division 18 are permitted in every district subject to the standards in Section 50-134. Supplemental regulations are included in Division 11. Uses allowed in mixed use and special purpose districts are listed in Division 9. Appendix B contains the same information as this Section, however in a different format. In the case of any discrepancies between this Section and the Appendix, this Section takes precedent.

(a) B-1 Neighborhood Business District

Permitted by Right		Permitted with Special Use Permit
COMMERCIAL		COMMERCIAL
Art Studio or Gallery Business Support Service Dance or Music Studio Day Care Center Family Day Care Home Financial Institution Health Club or Fitness Center Laundry	Office, General Office, Medical Personal Services Print Shop Restaurant, General Store, Neighborhood Store, Specialty	Automotive Sales and Leasing Automotive Services and Parts Sales Bed and Breakfast Consumer Repair Service Custom Manufacturing Garden Center Gas Station Greenhouse Pawn Shop Small Equipment Repair
MISCELLANEOUS		MISCELLANEOUS
Accessory Uses, as per §50-134 Amateur Radio Tower (§50-156) Church or Place of Worship Community or Public Building	Single or Two Family Residential as per §50-135 Park or Playground Utilities, Minor	

(b) B-2 Central Business District

Permitted by Right		Permitted with Special Use Permit
COMMERCIAL		COMMERCIAL
Art Studio or Gallery Bed and Breakfast Business or trade school Business Support Service Catering Service College or university Communication Services Custom Manufacturing Dance or Music Studio Data or Call Center Day Care Center Family Day Care Farmers' Market Financial Institution	Heath Club or Fitness Center Hotel Indoor Amusement or Entertainment Facility Micro-brewery Office, General Office, Medical Pawn Shop Personal Services Print Shop Restaurant, General Store, General Retail Store, Neighborhood Store, Specialty	
MISCELLANEOUS		MISCELLANEOUS
Accessory Uses (§50-134) Amateur Radio Tower (§50-156) Church or Place of Worship Civic, Social, Fraternal Club Meeting Facility Community or Public building Conference or Convention Center Multi-family Dwelling as per §50-135	Dwelling, Single or Two Family as per §50-135 Museum Park or Playground Parking Garage or Lot Passenger Terminal Private School Utilities, Minor	

(c) B-3 General Business District

Permitted by Right		Permitted with Special Use Permit
COMMERCIAL		COMMERCIAL
Art Studio or Gallery	Greenhouse, Commercial	Construction Yard
Animal Clinic or Hospital	Health Club or Fitness Center	Outdoor Entertainment Facility
Automotive Sales/Rental	Hospital	Outdoor Sports and Recreation Facility
Automotive Repair Service	Hotel	
Bed and Breakfast	Indoor Amusement or Entertainment Facility	
Business and Trade School	Indoor Sports and Recreation Facility	
Business Support Service	Kennel or Animal Shelter (no outside kennels)	
Car or Truck Wash	Laundry	
Catering Services	Micro-Brewery	
College or university	Mini warehouse	
Commercial Vehicle/Heavy Equipment Repair	Nursing Home or Assisted Living	
Communication Services	Office, General	
Construction Sales and Service	Office, Medical	
Consumer Repair Service	Pawn Shop	
Custom Manufacturing	Personal Services	
Dance or Music Studio	Print Shop	
Data or Call Center	Restaurant, Fast Food	
Day Care Center	Restaurant, General	
Equipment Sales and Rental	Small Equipment Repair	
Family Day Care	Store, General Retail	
Farmers' Market	Store, Liquor	
Financial Institution	Store, Neighborhood	
Flea Market	Store, Specialty	
Funeral Home	Tattoo Shop or Body Piercing Salon	
Garden Center	Wholesale Business, as defined in Div.18	
Gas Station		
INDUSTRIAL		INDUSTRIAL
Research and Development Center		Laboratory for Products Testing and Research
MISCELLANEOUS		MISCELLANEOUS
Accessory Uses (§50-134)	Museum	Multi-family Dwelling as per §50-135
Amateur radio tower (§50-156)	Overnight Recreational Development	Utilities, Major
Church or Place of Worship	Park or Playground	
Civic, Social, Fraternal Club Meeting Facility	Parking garage or parking lot, as principal use	
Community or Public Building	Passenger Terminal	
Conference or convention center	Private school	
Dwelling, Single or Two Family as per §50-135	Utilities, Minor	

(a) O-I Office-Institutional District

Permitted by Right		Permitted with Special Use Permit
COMMERCIAL		COMMERCIAL
Animal Hospital or Clinic Art studio or gallery Business or Trade School Business Support Service College or university Dance or Music Studio Data or Call Center Day Care Center	Family Day Care Home Financial Institution Hospital Health Club or Fitness Center Nursing Home or Assisted Living Office, General Office, Medical Personal Services	Methadone (or other controlled substance substitution) Clinic
INDUSTRIAL		INDUSTRIAL
Research and Development Center		Laboratory for Products Testing and Research
MISCELLANEOUS		MISCELLANEOUS
Accessory Uses (§50-134) Amateur Radio Tower (§50-156) Church or Place of Worship Children’s Residential Facility Community or Public Building Group Home	Museum Park or Playground Parking garage or parking lot, as a principal use Private School Utilities, Minor	Multi-family Dwelling as per §50-135 Utilities, Major

(b) M-1 Light Industrial District

Permitted by Right		Permitted with Special Use Permit
COMMERCIAL		COMMERCIAL
Animal Clinic or Hospital Automotive Sales and Leasing Automotive Services and Parts Sales Automotive Repair Business and Trade School Business Support Services Car and Truck Wash Catering Services Commercial Vehicle/Heavy Construction Sales and Service Construction Yard Consumer Repair Service Custom Manufacturing Dance or Music Studio Data or Call Center Equipment Sales and Rental Financial Institution Flea Market Gas Station	Greenhouse, Commercial Indoor Amusement or Entertainment Facility Indoor Sports and Recreation Facility Kennel or Animal Shelter (no outside kennels) Laundry Micro-Brewery Mini-warehouse/Mini-storage Office, General Office, Medical Outdoor Entertainment Facility Outdoor Sports and Recreation Facility Parking Garage or Parking Lot Personal Services Restaurant, Fast food Small Equipment Repair Shooting Range, Indoor Wholesale Business	Adult Establishment Day Care Center Family Day Care Home Health Club or Fitness Center Pawn Shop
INDUSTRIAL		INDUSTRIAL
Food and Beverage Production Laboratory for Products Testing and Research Manufacture of Plastics or Fiberglass products Manufacture or Assembly of equipment, instruments, appliances, and other electrical items Manufacture of Pharmaceutical Products		Manufacture, processing, or storage of animal feed Manufacture of concrete, aggregate, stone, tile or other similar building products Manufacture of wood products with outside storage

Manufacture of Products made from paper or cardboard Manufacture of wood products with no outside storage Metalworking including fabrication and welding Publication printing facility Recycling facility Research and Development Center Textile or apparel manufacturing, including upholstery and assembly Truck terminal Vehicle or equipment storage Warehouse	
MISCELLANEOUS	MISCELLANEOUS
Accessory Uses (§50-134) Amateur radio tower (§50-156) Civic, Social Fraternal Club Meeting Facility Parking garage or parking lot, as a principal use Utilities, Minor	Utilities, Major

(c) M-2 General Industrial District

Permitted by Right	Permitted with Special Use Permit
COMMERCIAL	COMMERCIAL
Animal Clinic or Hospital Automotive Repair Service Car or Truck Wash Commercial Vehicle/Heavy Equipment Repair Construction Sales and Service Construction Yard Consumer Repair Service Custom Manufacturing Dance or Music Studio Equipment Sales and Rental Financial Institution Gas Station Greenhouse, Commercial Kennel or Animal Shelter, no outside kennels Laundry Mini-warehouse, Mini-storage Shooting Range, Indoor Small Equipment Repair Wholesale Business	Adult Establishment Automotive Sales and Leasing Business or Trade School Business Support Service Catering Service Day Care Center Indoor Amusement or Entertainment Facility Indoor Sports and Recreation Facility Micro-Brewery Office, Medical (Clinic) Outdoor Entertainment Facility Outdoor Sports or Recreation Facility Personal Services Restaurant, Fast Food
INDUSTRIAL	INDUSTRIAL
Asphalt or Cement Production Chemical Manufacturing and processing Food and Beverage Production Foundry Laboratory for Products Testing and Research Manufacture, processing, or storage of animal feed Manufacture of concrete, aggregate, stone, tile or other similar building products Manufacture of Plastics or Fiberglass products Manufacture or Assembly of equipment, instruments, appliances, and other electrical items Manufacture of Pharmaceutical Products Manufacture of Products made from paper or cardboard Manufacture of wood products with no outside storage	Salvage and Scrap Service Solid Waste Facility

Manufacture of wood products with outside storage Metalworking including fabrication and welding Processing and storage of fertilizer Publication printing facility Recycling facility Research and Development Center Sawmill Textile or apparel manufacturing, including upholstery and assembly Truck terminal Vehicle or equipment storage Warehouse	
MISCELLANEOUS	MISCELLANEOUS
Accessory Uses (§50-134) Amateur radio tower (§50-156) Civic, Social, Fraternal Club Meeting Facility Parking garage or parking lot as a principal use Utilities, Minor	Utilities, Major

(d) A - Agricultural District

Permitted by Right		Permitted with Special Use Permit
COMMERCIAL		COMMERCIAL
Agricultural Production Greenhouse, Commercial	Kennel or Animal Shelter (inside and outside kennels) Winery	Bed and Breakfast Farmers' Market
INDUSTRIAL		INDUSTRIAL
		Sawmill
MISCELLANEOUS		
Accessory Uses and Accessory Dwelling (§50-134) Amateur radio tower (§50-156) Cemetery Church or Place of Worship Community or Public Building	Dwelling, Single or Two-Family Home Occupation as per §50-133 Overnight Recreational Development Park or Playground Utilities, Minor	Utilities, Major

Sec. 50-33. Similar uses

- (a) For all non-residential districts in the land use matrix, if a use is not found in the charts above, a similar use may be permitted if, in the opinion of the Planning Commission, the use is similar in character to those listed as permitted by right and will not be detrimental to the district in which it is located or to adjacent properties, and subject to such conditions and safeguards as may be required by the Planning Commission.
- (b) The Planning Commission may also make a determination that a proposed use not found in the charts above is similar in nature to a use or uses listed as allowed by special use permit and therefore could be allowed through the special use permit process.

Sec. 50-34 through Sec. 40. Reserved

DIVISION 4. DENSITY AND YARD REQUIREMENTS

Sec. 50-41. Residential Districts

The following chart lists the yard requirements for residential districts. These requirements pertain to principal structures. Accessory structures are addressed in Section 50-134.

YARD REQUIREMENTS BY DISTRICT							
Residential Districts							
Residential Districts	Minimum Lot Size/Density	Minimum Setback Distances (in feet) for principal structures			Lot Width	Lot Coverage	Height See Section 50-43 (c) for exceptions
		Front Yard	Rear Yard	Side Yard			
R-1A Single Family Residential	15,000 s.f. (0.34 ac)	35' dwelling 50' other	35' dwelling 50' other	15' dwelling 30' other	100'	30%	Shall not exceed 3 stories or 35' unless each side yard is increased by 5 feet (or fraction thereof) for every five feet of height over 3 stories.
R-1 Single Family Residential	12,000 s.f. (0.275 ac)	35' dwelling 50' other	35' dwelling 50' other	10' for 1 to 2 story 15' for 3 story	75'	30%	Same as R-1A
R-2 Single and Two Family	7,500 s.f. (0.17 ac) 3,750 s.f. per unit	30' dwelling 35' other	30' dwelling 35' other	For dwelling, 8' with total of 20' for both; 25' for other structure. More if over 2 stories. (See Height).	50'	30%	Shall not exceed two stories unless each side yard is increased by 5 feet (or fraction thereof) for every five feet of height over two stories.
R-3 Moderate Density Residential	5,000 s.f. (0.11 ac) 2,000 s.f. per unit	25' dwelling 35' other	25' dwelling 35' other	6' for 1 to 2 story with total both 30% of lot width or 20' whichever is smaller. 10' for 3 story bldg. and 40% of lot width or 30 feet (whichever is greater) for both widths combined	50'	40%	Same as R-1A.
R-4 High Density Residential	10,000 s.f. (0.23 ac) 1,500 s.f. per unit.	20' plus 1' more for each 2 ft. of building height above 25'	30'	15% of width of lot on each side plus 1' more for every 2' of building height above 25'	100'	Depends on height of building. See Section 50-44	None
GCR Golf Course Residential	15,000 s.f. (0.34 ac)	35' dwelling 50' other	25' dwelling 50' other	10' for 1 to 2 story 25' for 3 story	80'	30%	Shall not exceed 3 stories or 35' unless each side yard is increased by 5 feet (or fraction thereof) for every five feet of height over 3 stories.
R-MH Manufactured Home Park	3 acres	See Code Section 50-119 for details on manufactured home lots					
Townhouses	2,000 s.f. per unit	See Code Section 50-118 for details on townhouse standards					

Sec. 50-42. Non-Residential Districts

The following chart lists the yard requirements for non-residential districts. These requirements pertain to principal structures. Accessory structures are addressed in Section 50-134.

YARD REQUIREMENTS BY ZONING DISTRICT

Non-Residential Districts

Non-Residential Districts	Minimum Lot Size	Minimum Setback Distances (in feet) for principal structures			Lot Width	Lot Coverage	Height See Section 50-67(c) for exceptions
		Front Yard	Rear Yard	Side Yard			
Office-Institutional (O-1)	None	25'	20'	10' each side	None	40%	Cannot exceed 2 stories (except hospitals) unless each side yard is increased over the minimum by 5' for every 5' of height over 2 stories
Neighborhood Business (B-1)	None	25'	20'	10' if adjoining residential district	None	None	Must comply with height limit of most restrictive adjoining residential district
Central Business District (B-2)	None	None	None	None	None	None	Buildings cannot exceed 100 feet in height unless by special permission of the building official
General Business (B-3)	None	10'	20'	10' if adjoining residential district	None	None	Buildings cannot exceed 100 feet in height unless by special permission of the building official
Light Industrial (M-1)	None	10'	20'	10'	None	None	Buildings cannot exceed ten stories or 100 feet in height unless by special permission of the building official
General Industrial (M-2)	None	10'	25'	10'	None	None	Buildings cannot exceed 100 feet in height unless by special permission of the building official
Agricultural (A)	Farms 5 ac. Other uses 1 ac.	50' (Note: if roadway is less than 50' width, the setback is 100' from the center line).	50'	25'	150'	None	No building can exceed 2 stories or 35' unless each side yard is increased over the minimum by 1' for every 1' of height over 35'. Nonresidential buildings may be up to 60' provided that all required front, rear, and side yards are increased 1' for each foot over 35'.

Section 50-43 Exceptions to Yard Requirements

(a) Front Yard Setback.

The setback requirements of this article for principal buildings shall not apply to any lot where the average setback on developed lots located wholly or in part within 200 feet on each side of such lot for residential zones and within 50 feet in non-residential zones, and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

(b) Side yard on corner lots.

1. In residential districts, the minimum width of the side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located. Accessory buildings shall also comply with this setback from the intersecting street. In the R-2 and R-3 districts where the side yard could be less than ten feet, the minimum side yard on a corner lot shall be fifteen (15) feet.

2. In non-residential districts, the required front setback distance shall be maintained on any street frontage on a corner lot unless the front setback exception allowed in (a) applies.

(c) Exceptions on height limits.

The height limitations of this article shall not apply to church spires, belfries, cupolas, and domes not for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derrick conveyors, flagpoles, radio and television towers, masts, or aerials, except as provided in Division 12 Telecommunications Facilities.

Sec. 50-44 Lot coverage in R-4 district *Revised from current Sec. 50-90(f)*

The lot coverage permitted in the R-4 zoning district shall not exceed the following:

- (a) Three stories or less: Forty (40) percent; Three to ten stories: Thirty (30) percent; and over ten stories: Twenty (20) percent
- (b) For each multifamily dwelling unit, a minimum of 200 square feet of usable open space shall be provided on the site, suitable for recreation, gardens, or lounging. Such space must be at least 75 percent open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those residents in the development.

Reserved - Sections 50-45 through 50-50.

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DIVISION 5. - FLOODPLAIN DISTRICT

Note: This zoning district and its regulations are required to be in city code in order for city property owners to participate in the national flood insurance program. The city adopted the current floodplain ordinance in 2004, but it has not been revised since then. The current code section (now Division 8) has been reviewed by the floodplain management staff at the VA Department of Conservation and Recreation who have recommended revisions to better align the language with the federal (FEMA) regulations and the model floodplain management ordinance. This proposed text contains updated language and more clarity of the administrative process, but does not change the basic provisions that were adopted in 2004. Floodplain definitions that were moved to the Definitions in Division 18.

Sec. 50-51. - General provisions

(a) *Purpose.* In accordance with the general purpose and legislative authority for zoning referenced in Sections 50-27 and 50-28, the purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce, institutional and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

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

(b) *Applicability.* These provisions shall apply to all lands within the jurisdiction of the City of Bristol and identified as being in the special flood hazard area (SFHA) by the Federal Insurance Administration.

(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 division.
2. The degree of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based on acceptable

engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This division does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

3. This division shall not create liability on the part of the City of Bristol or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
4. Any person who fails to comply with any provisions of this division shall be subject to penalties, corrections, and remedies. The VA USBC addresses building code violations and associated penalties. Violations and associated penalties of this Article are addressed in Division 17.

(d) *Abrogation and greater restrictions.* This division supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this division.

(e) *Severability.* If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this division. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this division are hereby declared to be severable.

(f) *Administration.* The zoning administrator is responsible for administering the provisions of this division and serves as the community Floodplain Administrator with duties including, but not limited to, the following:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA)
2. Approve permits for new construction and substantial improvements that meet the requirements of these regulations
3. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information
4. Review applications to determine that all necessary permits have been obtained, and in particular permits from state agencies for 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.
5. Review Elevation Certificates and require incomplete or deficient certificates to be corrected
6. Submit to the Federal Emergency Management Authority (FEMA), or require applicants to submit to FEMA, data and information necessary to maintain Flood Insurance Rate Maps, including hydrologic and hydraulic engineering

analysis prepared by or for the city, within six months after such data and information becomes available if the analyses indicated changes in base flood elevation (BFE).

7. Maintain and permanently keep records that are necessary for the administration of these regulations, including flood insurance studies, flood insurance rate maps, letters of map changes, documentation supporting issuance and denial of permits, elevation certificates, variances, and records of enforcement action
8. Prepare staff reports and recommendations to the Board of Zoning Appeals for each application for a variance

Sec. 50-52. - Establishment of zoning districts

(a) *Description of districts.*

1. *Basis of districts.* The various floodplain districts shall include areas subject to inundation by waters of the base flood. The basis for the delineation of these districts shall be the flood insurance study (FIS) and Flood Insurance Rate Map (FIRM) for the City of Bristol prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 4, 2004, as amended
 - a. The floodway district 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 base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 3 of the above-referenced flood insurance study and shown on the accompanying FIRM.
 - b. The flood-fringe district shall be that area of the SFHA not included in the floodway district. The basis for the outermost boundary of the district shall be the base flood elevation (BFE) contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying FIRM. The AE zone shown on the FIRM comprises both floodway and flood-fringe districts, although there may be flood-fringe districts without floodway.
 - c. The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a SFHA boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, the BFE and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific BFE cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers (USACE) Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for any proposed use, development and/or activity that exceeds either five acres or five lots shall determine this elevation in accordance with

hydrologic and hydraulic engineering techniques. 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 to allow a thorough review by the city.

- d. The city reserves the right to require that base flood elevation be provided for development in flood-prone areas within 50 feet of any main drainage channel or stream that is not included in the flood insurance study. The BFE shall be determined by the same methods indicated in subsection c. of this subsection.

2. Overlay concept.

- a. 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.
- b. 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.
- c. 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.

(b) *Official zoning map.* The boundaries of the floodplain 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 City of Bristol offices.

(c) *District boundary changes.* The delineation of any of the floodplain districts may be revised by the city where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the USACE or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the federal insurance administration.

(d) *Interpretation of district boundaries.* The zoning administrator shall make initial interpretations of the boundaries of the floodplain districts. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

Section 50.53. - District provisions

(a) *General provisions.*

1. *Permit requirement.* All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of the necessary permit(s). Such development shall be undertaken only in strict compliance with the provisions of the division and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the City of Bristol Subdivision Ordinance. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

2. *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the city a permit shall be obtained from the USACE, the Virginia Department of Environmental Quality (DEQ), 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 Virginia Department of Conservation and Recreation (Division Dam Safety and Floodplain Management), and other appropriate agencies (such as the DEQ and the USACE) and copies of such notifications shall be submitted to FEMA.

3. *Drainage facilities.* Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

4. *Site plans and permit applications.* All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- a. For structures to be elevated, the elevation of the lowest floor (including basement).
- b. For structures to be flood-proofed, the elevation to which the structure will be flood-proofed.
- c. The elevation of the base flood at the site.
- d. Topographic information showing existing and proposed ground elevations.

5. *Construction requirements.* The building official shall review all permit applications for new construction or substantial improvements to determine if the proposed building site(s) will be reasonably safe from flooding. If a proposed site

is located in the SFHA (i.e. AE Zone) all new construction or substantial improvements shall:

- a. Be designed or modified and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- b. Be constructed with materials resistant to flood damage,
- c. Be constructed by methods and practices that minimize flood damages,
- d. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. For new or replacement water and sanitary sewer system projects, be designed to minimize or eliminate infiltration of flood waters into the system.
- f. For any on-site waste disposal systems, be located and constructed to avoid impairment or contamination.

6. *Recreational vehicles* are considered 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. Any such vehicle placed on a site must either:

- a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
- b. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform Statewide Building Code.

7. *Certification*. For all new or substantially improved structures located in the SFHA, the applicant shall furnish the following information to the building official, as determined by a professional engineer, architect, or other qualified professional:

- a. The as-built elevation (in relation to NGVD, 1988) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- b. If the structure has been flood-proofed, the as-built elevation to which the structure was flood-proofed.
- c. Any certification of flood-proofing.

8. *Manufactured Homes*. All manufactured homes to be placed or substantially improved within the SFHA shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation; and be securely anchored to resist floatation, 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.

9. *New construction and substantial improvements.* Fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

- a. The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage,
- b. The area is not a basement,
- c. The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers and other coverings or devices provided that they permit automatic entry and exit of floodwater.

10. *Subdivisions*

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

11. *Accessory Structures.* Accessory structures in the SFHA shall comply with the requirements of (b) and (c) below. If not elevated to one foot above BFE or dry flood-proofed, the structure shall meet the following requirements:

- a. Shall not be used for human habitation;
- b. Shall be limited to no more than 600 square feet in total floor area;
- c. Shall be used only for parking of vehicles or limited storage, and any electrical or mechanical equipment elevated above the BFE;
- d. Shall be constructed with flood damage-resistant materials below the BFE, and b anchored to prevent flotation;
- e. Shall meet the design requirements in 50-53 (9) 3 regarding openings to allow entry and exit of floodwaters.

(b) *Floodway district.* In the floodway district no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the BFE.

(c) *Flood-fringe and approximated floodplain districts.* In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. In the flood-fringe district, the elevation of the lowest floor of approved residential structures shall be one foot above the base flood elevation. Non-residential structures must have the lowest floor elevated or flood-proofed to one foot above the base flood elevation or more.

Within the approximated floodplain district, all new subdivision proposals and other proposed developments shall include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development does not increase the BFE more than one foot at any one point. Within the floodway area delineated by the applicant, the provisions of subsection (b) shall apply.

Sec. 50-54. - Variances; factors to be considered

(a) 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 BFE.
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 community.
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 the 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 repair or rehabilitation of historic structures 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. Such other factors which are relevant to the purposes of this division.

(b) 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.

(c) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in: 1) unacceptable or prohibited increases in flood heights, 2) additional threats to public safety, 3) extraordinary public expense; and will not 4) create nuisances, 5) cause fraud or victimization of the public, or 6) conflict with local laws or ordinances.

(d) Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

(e) The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the BFE (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

(f) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the federal insurance administrator.

Sec. 50-55. - Existing structures in floodplain districts

(a) A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the base flood elevation.

(2) Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of

less than 50 percent of its market value, elevation and/or flood-proofing should be considered to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this division and the Virginia Uniform Statewide Building Code.

Secs. 50-56. through 50-62. - Reserved.

DIVISION 6. - HISTORIC OVERLAY DISTRICT (H-O)

Note: This is a new district that provides a process for approving the demolition or relocation of a historic landmark or a structure in a historic district, but does not regulate renovations or prescribe architectural standards. The Planning Commission serves as the approving body. There is an exemption for any unsafe, dangerous structure or one that is declared a nuisance. Historic zoning was recommended in the 2017 City Comprehensive Plan, as well as the previous 2002 city plan. This text is modeled after one that has worked well for Waynesboro, VA.

Sec. 50-63. General Provisions.

(a) *Purpose.* The H-O district is established, in accordance with VA Code 15.2-2306, to protect and enhance valuable historic resources of the nation, state and the City. Protection of historic resources promotes the general welfare by generating economic opportunities and attracting visitors; encouraging interest and education in architecture, design and history; and making the City an attractive and desirable place to live and work. Specifically, the H-O district is intended to:

1. Encourage the preservation and rehabilitation of important historic, architectural and cultural resources;
2. Prevent the loss of irreplaceable historic resources and diminishment of the City's historic districts;
3. Promote resources that link present and future generations to the City's unique history and thereby contribute to a shared sense of community;
4. Enhance tourism and economic development opportunities;
5. Preserve property values and contribute to pleasant and attractive neighborhoods; and
6. Pursue the Comprehensive Plan goals for historic preservation.

(b) *Applicability.* The H-O District shall apply, as shown on the Zoning Map, to the following historic districts and individual landmarks as described by the Virginia Landmarks Register and the National Register of Historic Places:

1. Historic Districts
 - a. Solar Hill Historic District
 - b. Bristol Commercial Historic District, including Piedmont Avenue Boundary Increase
 - c. Bristol Warehouse Historic District
2. Historic Landmarks
 - a. Bristol Railroad Station
 - b. Bristol Virginia-Tennessee Slogan Sign
 - c. The Douglass School
 - d. East Hill Cemetery
 - e. First Baptist Church
 - f. Virginia Intermont College

- g. King-Lancaster-McCoy-Mitchell House
- h. Virginia High School (now Virginia Middle School)

(c) *Designation of Historic Districts and Landmarks*

1. Additional parcels, structures and buildings may be added to the H-O district as new landmarks and districts or as additions to existing districts through an inventory and designation process in keeping with the Virginia Department of Historic Resource requirements for district and landmark designation.

2. Designation of parcels or landmarks to the Historic Overlay district requires a Zoning District Map amendment (rezoning) as described in §50-39.

(d) *Permitted Uses.* All permitted and special uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use classification.

(e) *Maintenance and Building Code Provisions.* Owners of historic landmarks or contributing historic buildings and structures shall not allow them to fall into a state of disrepair so as to endanger their physical integrity or the public health and safety.

(f) *Exceptions for Unsafe Conditions or Nuisance.* Nothing in this article shall apply to or in any way prevent the moving or demolition, in whole or in part, of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the Building Official or which is declared a public nuisance pursuant to Chapter 50, Article VI. Demolition for these reasons, or any demolition required by a final, non-appealable ruling of a court, is not subject to the requirements of this Division.

Sec. 50-64. Certificate of Appropriateness – General.

(a) *Applicability.* A Certificate of Appropriateness is required prior to demolition or relocation of an historic structure.

(b) *Application Requirements.* An application for Certificate of Appropriateness shall be submitted in accordance with requirements and procedure established by the Planning Commission and city staff.

(c) *Notice and Public Hearing.* The Planning Commission shall hold a required public hearing and give notice in accordance with VA Code §15.2-2204.

(d) *Action by City Staff.* The Director of Planning and Community Development shall review the application and, considering the review criteria in Section 50-65 and make a recommendation to the Planning Commission.

(e) *Action by Planning Commission*

1. Following a properly advertised public hearing and after having reviewed relevant information on the matter the Planning Commission may approve the application as proposed, approve the application with modifications or deny the application in which case written reasons for denial shall be forwarded to the applicant.

2. The Director of Planning and Community Development shall forward written notice of approval, modification or denial to the Zoning Administrator.

Sec. 50-65. Criteria for Consideration of Certificate of Appropriateness.

(a) Demolition criteria. The Planning Commission may consider any or all of the following criteria when deliberating on an application for certificate of appropriateness to demolish a landmark or structure or building within the H-O district:

1. Whether or not the building or structure embodies distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or is associated with events that make a significant contribution to the broad local history or is associated with historically significant persons.
2. Whether or not the building or structure contributes visible architectural value to and provides historic continuity with properties within the same block, including both sides of the street, and the viewshed.
3. Whether the building or structure is of such age, authenticity and unusual or uncommon design, setting, workmanship, and materials, and whether such design, quality and workmanship and traditional materials could be reproduced.
4. Specific plans for the site should the structure or building be demolished and the architectural compatibility of those plans and uses with properties within the same block, including both sides of the street and the viewshed.
5. Whether it is economically and practically feasible in the opinion of a qualified structural engineer and/or building trades professional to preserve or restore the structure.
6. Whether the property owner can make alternate, economically viable uses of the property.
7. Whether relocation may be appropriate and feasible as an alternative to demolition.
8. Whether the existing structure is suited to or can be adapted to a proposed change in land use.
9. Whether the structure or building is a contributing or noncontributing resource within the H-O district.

(b) Relocation Criteria. The Planning Commission may consider any or all of the following criteria when deliberating on an application for certificate of appropriateness to relocate a landmark or structure or building within the H-O district:

1. Whether or not the building or structure embodies distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or is associated with events that make a significant contribution to the broad local history or is associated with historically significant persons.
2. Whether or not the building or structure contributes visible architectural value to and provides historic continuity with properties within the same block, including both sides of the street, and the viewshed.

3. Specific plans for the site, should the structure or building be demolished; and the architectural compatibility of those plans and uses with properties within the same block, including both sides of the street, and the viewshed.
4. Whether the structure or building can be moved without harm or damage to its physical integrity.
5. Whether the proposed relocation area is compatible with the building or structure's documented historic, scenic, cultural, aesthetic or architectural character in terms of architectural style and period of construction and furthers preservation of the building or structure and is located within the city.
6. Where appropriate, relocation should be encouraged by allowing improvements to be sold separate from the underlying property at an offering price not to exceed the fair market value as determined according to §3.3.3.F.6(c).
7. Whether the structure or building is a contributing or non-contributing resource within the HO district.
8. Whether the existing structure is suited to or can be adapted to a proposed change in land use.

Sec. 50-66. Appeals.

If an application for a Certificate of Appropriateness is denied or modified, the applicant may appeal such decision within 30 days to the City Council. The City Council shall consider the application following a review of the Planning Director's report and the full written record of the Planning Commission's meeting and decision on the matter. The applicant shall have the right to appeal a decision of City Council to the circuit court as provided in VA Code 15.2-2306 (3).

Sec. 50-67. Right to Relocate or Demolish.

(a) In addition to the right of appeal, and in accordance with VA Code 15.2-2306 (3), the owner of any historic landmark, building or structure shall have the right to relocate or demolish such landmark, building or structure so long as:

1. The owner has applied to the City for the right to do so in a manner as described herein; and
2. The owner has, for a time period as listed herein and at a price reasonably related to its fair market value (as defined in this section), made a bona fide offer to sell:
 - a. The landmark, structure or building and the land pertaining thereto; or
 - b. The landmark, building or structure for sale separate from the land to any individual or entity which gives reasonable assurance to preserve the landmark, structure or building.

3. No bona fide contract, binding on all parties thereto, shall have been executed for the sale of landmark, structure or building and the land pertaining thereto, prior to the applicable time period as listed below:

- a. Three months when the offering price is less than \$25,000.00;
- b. Four months when the offering price is \$25,000.00 or more but less than \$40,000.00;
- c. Five months when the offering price is \$40,000.00 or more but less than \$55,000.00;
- d. Six months when the offering price is \$55,000.00 or more but less than \$75,000.00;
- e. Seven months when the offering price is \$75,000.00 or more but less than \$90,000.00; and
- f. 12 months when the offering price is \$90,000.00 or more

(b) Bona Fide Offer to Sell

1. The applicant shall, in writing, notify the Zoning Administrator of the bona fide offer to sell to begin the offer time period as listed above. The applicant shall provide the Zoning Administrator evidence of normal efforts of an earnest seller to aggressively market the property including conspicuous and regular advertising in publications of local circulation or advertising with various listing services. The applicant shall also place conspicuous advertising on the property in a location and of such size as might normally be expected for the sale of any property by an earnest seller. The Zoning Administrator shall review the applicant's offer to sell and any proposed conditions to that sale within ten days of the original notice to determine that a bona fide offer has been initiated. If at any time the seller fails to follow or maintain the bona fide offer to sell, the time period for sale shall lapse.

2. If no bona fide contract to sell has been executed at the termination of the offer period, the seller shall provide the Zoning Administrator an affidavit demonstrating their efforts to sell, detailing inquiries and attesting to the fact that no viable purchase offer was made.

3. Sale of the property shall terminate the petition to demolish and any new owner would be required to follow the procedures as listed (herein) in order to demolish or relocate a regulated structure.

(c) Fair Market Value Fair market value shall be considered a price not exceeding the assessed value of the property, as determined by the City's real estate assessor, such assessment being performed upon indication by the owner/applicant that he/she wishes to pursue demolition after denial of a certificate of appropriateness by the Planning Commission or an appeal made to City Council. This assessment shall be based on both an interior and exterior inspection of the property and shall represent a current assessment of the property's fair market value. The owner/applicant may challenge the assessed value as a fair market value by seeking at his/her sole expense an independent appraisal of the property in question completed by a licensed appraiser. Should the City's real estate assessor and the independent appraiser not agree upon the said fair market value, they shall choose a third qualified appraiser. A median value shall be established by the three appraisers, which shall be final and binding. The bona fide offer to sell period shall commence once a fair market value is established.

Secs. 50-68. through Sec. 74. - Reserved.

DIVISION 7. – ECONOMIC DEVELOPMENT OVERLAY DISTRICTS

Sec. 50-75. - Purpose

- (a) For the purpose of this article, the city shall recognize overlay districts as providing additional regulation or development tools as it relates to use, development, and administration in addition to those regulations governing the use district.
- (b) An overlay district is a special purpose zoning device that does not change the underlying district intent. Overlay districts can provide additional restriction and/or flexibility designed to ensure compatibility of uses and activities with those found within the district. In some cases an overlay district can be used to provide additional protections for valuable community assets or to attract certain types of uses to a particular area of the community where such uses are most suitable.

Sec. 50-76. - Arts and entertainment overlay district (AE).

Note: This district was added to the city zoning ordinance on 09/28/2010 (Ord. #10.06) and is currently found in City Code Section 50-131.

- (a) *Purpose.* The purpose of this overlay is to promote investment through mixed use and commercial development that expands the presence of and/or otherwise enhances the arts, culture and entertainment within the overlay.
- (b) *Overlay district boundaries.* The arts and entertainment overlay district boundaries shall be as depicted on the official Bristol, Virginia Arts and Entertainment Overlay District Map. Expansion or reduction of the area included with the overlay district may be approved by city council as an amendment to the official Bristol, Virginia Arts and Entertainment Overlay District Map. Petition for expansion shall be submitted to the department of community development for evaluation. The director may request a recommendation from the arts and entertainment district steering committee prior to beginning the official zoning amendment process.
- (c) *Permitted uses.* The following permitted uses shall supplement the uses permitted in the underlying use districts.
 1. Principal permitted uses:
 - a. Art galleries, including art sales;
 - b. Art, music and dance studios;
 - c. Teaching of visual and performing arts;
 - d. Performing art facilities and theaters;
 - e. Museums, art libraries and other similar cultural facilities;
 - f. Artist live/work space;
 2. Supporting principal uses:
 - a. Hotel

- b. Restaurants, general;
- c. Retail uses associated with and directly related to an arts and culture use on the same lot or as part of the same development project;
- d. Residences not located on the ground floor of a mixed use building;

(d) *Steering committee.*

1. The business of the overlay district shall be administered by the arts and entertainment district steering committee with oversight by city council.
2. The composition of the committee shall include representatives of the arts and entertainment community, as nominated and approved by city council, and as an ex-officio non-voting member, the city manager or designee. The committee shall not exceed seven voting members. Members of this committee shall serve at the pleasure of the city council.
3. The city council may, through resolution, assign the creation and management of the committee to an appropriately suited civic organization, conforming to the structure and terms of this section.
4. The responsibilities of the committee shall be:
 - a. Oversight of any committee staff and/or volunteers;
 - b. Marketing and promotion of the district for cultural and heritage tourism;
 - c. Annual reporting to the city council at a public meeting on the actions of the committee to include review of all efforts to sustain the overlay district as a viable economic development tool.

Sec. 50-77. - Tourism zone overlay

Note: This district was added to the city zoning ordinance on 11/26/2013 (Ord. #13.14) and is currently found in City Code Section 50-132.

- (a) *Purpose.* The purpose of this overlay is to promote investment through mixed use and commercial development that expands the presence of and/or otherwise enhances the tourism industry within the overlay and to provide economic incentives and regulatory flexibility for eligible business entities which will attract visitors.
- (b) *Overlay district boundaries.* The tourism zone overlay district boundaries shall be as depicted on the official Bristol, Virginia Overlay District Map. Expansion or reduction of the area included with the overlay district may be approved by city council as an amendment to the official Bristol, Virginia Overlay District Map. Petition for expansion shall be submitted to the department of community development for evaluation. The director may request a recommendation from the Bristol Convention and Visitors Bureau prior to beginning the official zoning amendment process.

- (c) *Permitted uses.* The permitted uses of the underlying zoning district shall govern the uses that can occur within a tourism zone.
- (d) *Incentives.* The city council may, at their discretion, administer incentives pursuant to Va. Code § 58.1-3851. Creation of local tourism zones as from time to time amended or re-codified. These incentives may include:
1. Reduction of permit fees.
 2. Reduction of user fees.
 3. Reduction of any type of gross receipts tax.
 4. Permit process reform.
 5. Exemption from ordinances as permitted by state law.
 6. Gap financing pursuant to Va. Code § 58.1-3851.1 Entitlement to tax revenues from tourism project of the Code of Virginia as from time to time amended or re-codified.
- (e) *Administration.* The city manager is authorized to administer the tourism zone, through the director of economic development. The director of economic development shall present applications for use of tourism zone incentives to the economic development committee, which shall provide a recommendation on said applications to the city council. The economic development director and city attorney shall have the authority to negotiate performance agreements with potential new or expanded businesses. The city council shall have final approval authority for performance agreements utilizing tourism zone incentives. However, nothing herein shall preclude the city council from requesting the industrial development authority to provide gap financing to an applicant pursuant to subsection 50-100.5(6).
- (f) *Public notice.* No performance agreement utilizing this chapter may be approved or authorized by the city council until after a notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the city. Such notices shall specify the time and place of hearing, at which time persons affected may appear and present their views, not less than five days nor more than 21 days after final publication. Additionally, commensurate with the above described public notice the zoning administrator shall give all adjoining property owners written notice of the intent to utilize this chapter, and an opportunity to respond to the proposal within two weeks of the date of the notice.

Sec. 50-78. - Enterprise zone overlay district (EZ).

Note: This district was added to the city zoning ordinance on 04/26/2016 (Ord. #16.02) and is currently found in City Code Section 50-133.

- (a) *Purpose.* The purpose of the enterprise zone is to stimulate business and industrial growth by means of real property investment grants, job creation grants, and local incentives as set forth herein.
- (b) *Overlay District Boundaries.* The enterprise zone overlay district boundaries shall be as depicted on the official Bristol, Virginia Enterprise Zone Overlay District Map, which is on file at the City of Bristol Community Development and Planning Department. These specific areas were established as enterprise zones on January 1, 2015 by the governor of the Commonwealth of Virginia for a period of ten years in accordance with the Virginia Enterprise Zone Act. Expansion or reduction of the area included with the overlay district may be approved by City Council as an amendment to the official Bristol, Virginia Enterprise Zone Overlay District Map. Petition for expansion shall be submitted to the department of community development for evaluation. Any petition for expansion or alteration shall not become effective until such time as it has been approved by both the city council and the Commonwealth of Virginia.
- (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

Note: Because these terms are specific to this Section, the definitions are included herein rather than in Article 18 Definitions.

1. *Base assessed value of real property:* means the assessed value of any structure, improved as defined by this section, prior to commencement of rehabilitation, as determined by the city commissioner of revenue at the time of the application for a real estate exemption for rehabilitation property.
2. *Business firm:* Any business entity authorized to do business in the Commonwealth of Virginia, including those entities subject to the state income tax on net corporate rate income (Code of Virginia § 58.1-400 et seq.), or a public service company subject to a franchise or license tax on gross receipts; or a bank, mutual savings bank or savings and loan association; or a partnership or sole proprietorship. A business firm includes partnerships and small business corporations electing to be taxed under subchapter S of the Federal Internal Revenue Code, and which are not subject to state income taxes as partnerships or corporations, and includes limited liability companies, the taxable income of which is passed through to and taxed on individual

partners and shareholders. However, a business firm does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, 26 U.S.C. § 512, nor does it include homeowners' associations as defined in the Federal Internal Revenue Code, 26 U.S.C. § 528.

3. *City*: The City of Bristol, Virginia.
4. *Eligible structure*: means any structure which qualifies pursuant to requirements of this article for the rehabilitated real estate tax exemption.
5. *Enterprise zone* : The Bristol Enterprise Zone, an area declared or to be applied for declaration by the governor of the Commonwealth of Virginia to be eligible for the benefits accruing under the Virginia Enterprise Zone Act, Virginia Code, § 59.1-539 et seq.
6. *Equivalent employment or job or FTE*: Forty hours per week of an hourly week (or the salaried equivalent). A single equivalent job may be represented by one employed individual, or by multiple employed individuals whose aggregate hours of employment (or salaried equivalent) equal 40 hours per week.
7. *Existing business*: Any business firm operating or located within the Enterprise Zone on January 1, 2015, or within the City of Bristol prior to its designation as an enterprise zone. A business which retains the same ownership and which was operating or located within the enterprise zone on January 1, 2015, or within the City of Bristol prior to location within the enterprise zone shall not be defined as a new business, even if the name or entity (corporate or otherwise) has changed.
8. *New business*: A business operating within the enterprise zone after January 1, 2015, having had no prior business location within the City of Bristol, Virginia.
9. *Owner*: means the person or entity in whose name the structure is titled, or a lessee who is legally obligated to pay real estate taxes assessed against the structure.
10. *Rehabilitate and rehabilitation*: mean to restore, renovate, or update construction of or the restoration, renovation, or rehabilitation of eligible structures. Other site improvements, fees, or non-construction costs will not be considered. The demolition or razing of a building and construction of a replacement structure may be included, unless it is located in a designated historic district, is a registered Virginia landmark, or is determined by the department of historic resources to contribute to the significance of a registered historic landmark. This definition does not include construction of an addition to a building so as to increase the total square footage of the building.
11. *Rehabilitated real estate tax exemption* : means a five-year decreasing exemption from payment of a portion of the real estate taxes, based on

rehabilitation value and the schedule of decreasing percentages of rehabilitated value to be allowed as a partial tax exemption for an eligible structure, as set forth in this section.

12. *Rehabilitation value*: means an amount as determined by the commissioner of revenue equal to the difference in the assessed value of the structure immediately before rehabilitation and the assessed value of the structure immediately after rehabilitation. This amount, on a fixed basis, shall constitute the value to be used for calculation of the rehabilitated real estate tax exemption, and that calculation shall not include any subsequent assessment or reassessment.

(d) *Permitted uses*. The permitted uses within the enterprise zone overlay district shall be governed by the underlying zoning district.

(e) *Qualification for local incentives*. The city council shall administer local incentives pursuant to § 59.1-538 of the Code of Virginia (Enterprise Zone Grant Act 2005 and subsequent amendments) and § 59.1-543. These incentives may be amended or re-codified from time to time and may include the following benefits for commercial or industrial properties or businesses:

1. *Façade improvement grant*. This incentive will provide grants to cover 50 percent of the cost of making improvements to building facades, not to exceed \$8,000 for any one grant. The work to be paid for can include painting, cleaning, repairing windows and doors, awnings, and signs. It can also include landscaping and beautification improvements. The priority for this incentive is on downtown business establishments to improve storefronts and building appearances, however other businesses in the EZ are eligible. It is a reimbursable grant based on documentation of actual expenditures. The following requirements shall be satisfied prior to qualification for a façade improvement grant:
 - a. Location in the enterprise zone overlay district;
 - b. Provision and documentation of a 1:1 match for awarded grant funds;
 - c. Payment of all taxes and fees due to the city in a timely manner during the grant period; and
 - d. Satisfactory completion of the application process.
2. *Location assistance to business owners*. The purpose of this incentive is to encourage new businesses to locate downtown. Businesses that create and maintain at least four FTE positions as well as stay within their location for at least two years are eligible to apply at signing of lease or purchase agreement. The total award of location assistance is not to exceed \$500.00 monthly for six months. This grant will be in the form of a forgivable loan with 50 percent to be forgiven at the end of year one and 100 percent to be forgiven at the end of year two. Existing businesses are eligible upon expansion if the expansion includes creation of at least four FTE positions

and maintenance of those positions for at least two years. The following requirements shall be satisfied prior to qualification for a location assistance grant:

- a. Location in enterprise zone overlay district and main street district;
 - b. The creation of at least four new full-time positions or full-time equivalent positions, to be maintained for at least two years;
 - c. Payment of all taxes and fees due to the city in a timely manner during the grant period;
 - d. Entrance into a grant performance agreement with the City of Bristol Industrial Development Authority, acting on behalf of the City of Bristol; and
 - e. Satisfactory completion of the application process.
3. *Job training grant.* This incentive will provide a grant to eligible businesses that are creating or retaining jobs to offset job training costs. The grant will be provided on a reimbursement basis after the business has documented the type of training and cost. The total job training grant award will be capped at 50 percent of the cost not to exceed \$500.00 per employee. The grant can be used for pre-employment or new employee training for jobs that are available to low and moderate income persons or training to upgrade the skills of existing workers. This grant can supplement other job training funds including but not limited to the Virginia Jobs Investment Program. The following requirements shall be satisfied prior to qualification for a job training grant:
- a. Location in enterprise zone overlay district;
 - b. Provision and documentation of a 1:1 match for awarded grant funds;
 - c. Workers trained must be documented low or moderate income and must have been in the position and on the payroll for at least 90 days;
 - d. Payment of all taxes and fees due to the city in a timely manner during the grant period; and
 - e. Satisfactory completion of the application process.
4. *Rehabilitated real estate tax exemption.* There is hereby granted, as provided in this section, an exemption from city taxation of real estate located within the enterprise zone overlay district which has been substantially rehabilitated for commercial or industrial use, as allowed by Code of Virginia § 58.1-3221, as amended. For the purposes of this section, any real estate shall be deemed to have been substantially rehabilitated when a structure, which is no less than 15 years of age, has been so improved as to increase the assessed value of the structure by no less than 50 percent and by an amount of at least \$50,000.00.
- a. *Amount; duration.* The exemption provided in subsection d) of this section shall not exceed an amount equal to the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure as determined by the commissioner of the revenue. The exemption as set out below shall

commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out. The exemption shall be computed in accordance with the following schedule:

- (i) During the first year through the fifth year the exemption allowed shall be 100 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (ii) In the sixth year the exemption allowed shall be 80 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (iii) In the seventh year the exemption allowed shall be 60 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (iv) In the eighth year the exemption allowed shall be 40 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (v) In the ninth year the exemption allowed shall be 20 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (vi) In the tenth year and thereafter the exemption shall terminate. The exemption as set out above shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out.

b. *Effect on land book assessment.* Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land books any reduced value due to the exemption determined as provided in Sec. 50-95 (e) 4.a.

c. *Application; fee and process.* Any qualified commercial or industrial real estate owner desiring the exemption provided by this section shall file an application, and pay any associated fee, with the community development and planning department. The application shall be filed and processed in accordance with the following procedures:

- (i) The owner shall file an application with the department of community development prior to the initiation of the rehabilitation of the structure and shall include the non-refundable processing fee. A copy of the application will be forwarded to the commissioner of revenue.
- (ii) Within a reasonable time after receipt of an application, the commissioner shall determine if the structure described by the application meets the age, location, and use criteria of an eligible structure and shall determine the assessed base value of the structure if it is an eligible structure. If the structure is not an eligible structure, the commissioner shall, in a timely manner, provide the owner with written notice of such determination.

(iii) The rehabilitation must be completed (and evidenced by the date of the certificate of occupancy issued by the city building official) within two years after the date of the filing of the application.

(iv) Within 60 days of the issue date of the certificate of occupancy, the owner shall notify the commissioner in writing that the rehabilitation is complete, and the commissioner shall, within a reasonable time period, inspect the property to determine whether the subject of the application is an eligible structure and to determine the amount of the rehabilitated real estate tax exemption based on the rehabilitation value.

(v) Upon determination of the tax exemption amount, the commissioner shall provide timely notice to the city manager, enterprise zone administrator, and city treasurer.

Following this notification, the city council may authorize the commissioner of revenue to exonerate the appropriate value in order to carry out the tax exemption.

(vi) The exemption resulting from the rehabilitation of an eligible structure shall commence on January 1 of the next tax year following completion of the rehabilitation, as defined by the date of issuance of the certificate of occupancy, and the commissioner's determination that the structure is eligible for the tax exemption.

(vii) The rehabilitated real estate tax exemption shall run with the real estate for a period of five years from the commencement of the exemption as set forth in this section. The owner of such real property, during each of the years of exemption, shall be entitled to the amount of exemption as described in the five-year decreasing exemption schedule described in section i) above, subject to the requirement in (g) below.

(viii) Only one tax exemption under this section may be applicable to any eligible structure during the life of the structure.

(ix) The making of any false statement in any application, affidavit or other information supplied for the purpose of determination of eligibility and the amount of the rehabilitated real estate tax exemption shall constitute a class 2 misdemeanor.

(x) The commissioner, with advice of the city manager and city treasurer, may adopt and promulgate rules and regulations not inconsistent with the provisions of this section as are deemed necessary for the effective administration of this article.

d. *Verification of eligibility.* No property shall be eligible for such exemption unless the appropriate building permits, including a certificate of occupancy, have been acquired and the commissioner of the revenue has verified that the rehabilitation indicated on the application has been completed, and evidence is provided that the rehabilitation has met the threshold requirements in d) above. In addition, all current city taxes on the real estate must be paid for the property to be eligible for the real estate tax exemption.

e. *Avoidance of duplicative incentives.* The amount of exemption may be limited by other incentives or cash grants that could provide greater monetary benefit to the property owner. An applicant may not be eligible for both an exemption under this section in addition to a cash grant based on anticipated real estate tax revenue. The director of economic development may make a determination, considering also the preference of the applicant, as to the preferred incentive method, and shall make that determination known to the commissioner of revenue.

f. The exemption created by 50-95 (e) 4 shall be available to an owner for only so long as the real estate continues to be used for commercial and industrial use. For any property to qualify, the real estate must be in use as solely commercial or industrial use at the time of the initial notification of completion of the rehabilitation, and at the beginning of the tax year (January 1) for subsequent years of eligibility.

5. Expedited permitting. The incentive is meant to assist companies that are locating or expanding inside the enterprise zone overlay district with getting active assistance from the city in expediting any permitting process that may be required at the local level.

(f) Application. Any new business firm seeking to receive local enterprise zone incentives shall make application to the local zone administrator on forms provided by City of Bristol Community Development and Planning Department.

1. The local zone administrator may require the new business firm to provide documentation establishing that said new business firm has met the requirements for the receipt of local enterprise zone incentives. Failure to provide requested documentation shall result in a denial of the new business firm's application for local incentives.

2. Upon approval of any new business firm application for local enterprise zone incentives, the local zone administrator shall submit a written report to the city manager indicating the name and address of the qualifying business firm and the local enterprise zone incentives for which it is qualified. The local zone administrator may require the new business firm to provide additional documentation from time to time to assure that said new business firm retains the requisite qualifications for the receipt of local enterprise zone incentives.

3. In the event that any new business firm fails to maintain the requisite qualifications for the receipt of local enterprise zone incentives, the local zone administrator shall inform the new business firm, in writing, that it is no longer qualified for the receipt of local incentives and shall send a copy of said notice to the city manager.

Secs. 50-79. through 50-85. - Reserved.

DIVISION 8. – PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Note: This replaces all of Section 50-91 in current zoning ordinance adding a more simplified process and allowing for a mixture of land uses in addition to residential. A PUD is governed by a master plan approved by the Planning Commission and City Council. We do not currently have any PUD zones on the zoning map.

Sec. 50-86. – Intent and purpose

The purpose of the planned unit development is to provide more desirable environments through the application of flexible and diversified land development standards under a master plan, and to implement the goals of the city comprehensive plan. The PUD district is intended to encourage the appropriate mix of residential and commercial/office uses in a unified development with an interconnected system of roads, sidewalks, and paths as well as managed access points along existing roads in order to maximize safety and the efficiency of existing roads. Pavement widths of internal and external roads shall minimize paving requirements as described in the comprehensive plan while accommodating projected traffic generated from the district.

Planned developments allow for a higher density of development and a more efficient use of the land. Benefits of a PUD include proximity of living units to employment, less infrastructure costs, more efficient provision of services, less environmental impact, and provision of attractive housing opportunities and amenities. Through a Planned Unit Development District approach, the regulations of this division are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts, however allowing mixed uses and flexibility in the design of development.

Sec. 50-87. - Character of development

The goal of a Planned Unit Development District is to encourage a development form and character that is aesthetically pleasing and is different from conventional suburban development by providing the following characteristics:

- (a) Pedestrian orientation;
- (b) Neighborhood friendly streets and paths;
- (c) Interconnected streets and transportation networks;
- (d) Parks and open space as amenities;
- (e) Neighborhood centers;
- (f) Buildings and spaces of appropriate scale;
- (g) Relegated parking;
- (h) Mixture of uses and use types;
- (i) Mixture of housing types and affordability;
- (j) Environmentally sensitive design; and
- (k) Clear boundaries with any surrounding rural areas.

An application is not necessarily required to possess every characteristic of the planned unit development district in order to be approved. The size of the proposed district, its integration with surrounding districts, or other similar factors may prevent the application from possessing every characteristic.

Sec. 50-88. Permitted uses

In the Planned Unit Development District, all uses permitted by-right or by special use permit in the residential, commercial, and industrial districts may be permitted. Additional uses specifically enumerated in the final master plan may be permitted at the discretion of the City Council. Specific uses may also be excluded. Any use desired but not documented in the approved master plan requires an application to amend the master plan.

Sec. 50-89. Mixture of uses

A variety of housing types and non-residential uses are strongly encouraged. The mixture of uses shall be based upon the uses recommended in the comprehensive plan. This mixture may be obtained with different uses in different buildings or a mixture of uses within the same building.

Sec. 50-90. Minimum area for a Planned Unit Development

- (a) Minimum area required for the establishment of a Planned Unit Development District shall be five (5) acres.
- (b) Additional area may be added to an established Planned Unit Development District if it adjoins and forms a logical addition to the approved development. The procedure for the addition of land to the Planned Unit Development District shall be the same as if an original application was filed and all requirements shall apply except the minimum lot area requirement as set forth above.

Sec. 50-91. Open Space

Open space promotes attractive and unique developments that are also environmentally conscious. Planned unit developments shall include the following:

- (a) Not less than twenty percent (20%) of total acreage shall be open space, whether dedicated to public use or retained privately;
- (b) If the percentage of total acreage in open space is increased above 20%, then a corresponding percentage increase is allowed in the density up to a maximum of fifty percent (50%) increase in density;
- (c) A minimum usable area of five thousand square feet every 5 acres shall be provided for active or passive recreational activities;

- (d) Open space shall be dedicated in a logical relationship to the site and in accordance with any guidance from the comprehensive plan regarding significant open space;
- (e) Improvements shall be configured to accommodate permitted, accessory and conditional uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.

Sec. 50-92. Densities

- (a) The gross and net residential densities shall be shown on the approved final master plan by area and for the development as a whole in dwelling units per acre, and shall be binding upon its approval. The overall gross density so approved shall not exceed twenty (20) dwelling units per acre, unless the density is increased with the provisions of Section 50-91 (b).
- (b) Non-residential density should be expressed in terms of total square footage by area and for the development as a whole. There is no maximum square footage for non-residential uses but the proposed uses should be in proportion to the overall intent and functionality of the planned district concept.

Sec. 50-93. Setback regulations

Within the Planned Unit Development District, minimum setback ranges shall be specifically established during the review and approval of the master plan. Specific setbacks may be approved administratively in the site plan process if they are in conformance with the established ranges, or a modification to the master plan will be required if the provided setbacks are not within the established ranges. The following guidelines shall be used in establishing the building spacing and setbacks:

- (a) Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed so as to be compatible with adjoining buildings;
- (b) Building spacing and design shall incorporate privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units whenever feasible; and,
- (c) Yards located at the perimeter of the planned unit development district shall be a minimum of twenty (20) feet.

In no case shall setbacks interfere with public safety issues such as sight distance and utilities, including other public infrastructure such as sidewalks and open space.

Sec. 50-94. Height of buildings

In the Planned Unit Development District, the maximum building height shall be:

- (a) Single-family residences: 45 feet.
- (b) Multi-family residences, commercial and office buildings, and hotels: 60 feet.
- (c) Exceptions to height limitations in Section 50-43(c) shall apply.

(d) All accessory buildings shall generally be less than the main building in height.

Sec. 50-95. Parking

Within the Planned Unit Development District, the applicant shall establish parking regulations for consideration by the City Council. The proposed regulations should be based on a parking needs study or equivalent data. Such regulations shall reflect the intent of the comprehensive plan to decrease impervious cover by reducing parking requirements, considering alternative transportation modes and using pervious surfaces for spillover parking areas. Shared parking areas, especially with non-residential uses is encouraged.

Sec. 50-96. Utilities

All new utility lines, electric, telephone, and telecommunication lines shall be placed underground.

Sec. 50-97. Application for rezoning

(a) The applicant shall file an application for rezoning with the Zoning Administrator. The application shall consist of three primary sections: a narrative, an existing conditions map, and a master plan prepared by a registered professional engineer, architect, or surveyor.

1. Narrative

- a. A general statement of objectives to be achieved by the planned district including a description of the character of the proposed development and the market for which the development is oriented;
- b. A list of all adjacent property owners;
- c. Site development standards including, but not limited to density, setbacks, maximum heights, and lot coverage;
- d. Utilities requirement and implementation plan;
- e. Phased implementation plan;
- f. Comprehensive sign plan;
- g. Statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, and exterior lighting plans.
- h. Statement pertaining to the proposed arrangement for all common area maintenance responsibility including internal streets, walkways, and open space

2. Existing Conditions Map

- a. Topography, including steep slopes (>15%);
- b. Water features;
- c. Roadways;

- d. Structures;
- e. Tree lines;
- f. Major utilities;
- g. Significant environmental features;
- h. Existing and proposed ownership of the site along with all adjacent property owners.

3. Master Plan

The proposed master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed Planned Unit Development District. At a minimum, the master plan shall include the following:

- a. Proposed layout of the Planned Unit Development District including the general location of uses, types of uses, and density range of uses;
 - b. Methods of access from existing public streets to proposed areas of development;
 - c. General road alignments;
 - d. General alignments of sidewalks, bicycle and pedestrian facilities;
 - e. A general water layout plan indicating the intended size and location of primary lines and the general location of fire hydrants;
 - f. A general sanitary sewer layout indicating the size and location of primary lines, and the location of pump stations; and
 - g. A general plan showing the location and acreage of the active and passive recreation spaces, parks and other public open areas.
- b) Additionally, a storm water management plan and a traffic study are also required to be submitted as part of the application package. The storm water management plan should detail both storm water quantity and quality mitigation measures and best practices. The traffic study should quantify existing and projected traffic levels on all adjacent streets, and at all proposed entrances.
- (c) The City Attorney shall review any property owners or other association charter and regulations prior to final site plan approval in particular to assure that all common area maintenance including streets and storm water management facilities are maintained.
- (d) The Planning Commission shall review the proposed master plan for the proposed Planned Unit Development District in light of the goals enumerated in the comprehensive plan, consider it at a scheduled public hearing, and forward its recommendation along with the proposed master plan to the City Council for consideration. The City Council shall hold a public hearing thereon, pursuant to public notice as required by the Code of Virginia, 15.2-2204, after which the City Council may make appropriate changes or corrections in the ordinance or proposed amendment. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public

hearing after notice required by the Code of Virginia, 15.2-2204. As allowed for a zoning amendment application, the Planning Commission may request to hold a joint public hearing with the City Council if it so chooses. An ordinance to adopt a PUD shall be enacted in the same manner as all other ordinances. The plan approved by the City Council shall constitute the final master plan for the Planned Unit Development District.

- (e) Once the City Council has approved the final master plan, all accepted conditions and elements of the plan shall constitute proffers, enforceable by the Zoning Administrator.
- (f) A final site plan shall be submitted to the City Engineer and it shall be in substantial conformance with the approved final master plan. Such final site plan may include one or more sections of the overall Planned Unit Development District, and shall meet all applicable federal, state, and City regulations.

Section 50-98. Waivers and Modifications

Where sections of the Zoning or Subdivision Ordinance are deemed to be in conflict with the goals of the final master plan, the rezoning application shall be considered a waiver or modification to these sections and so specified in the final master plan.

Secs. 50-99 through 50-106. - Reserved.

DIVISION 9. – MIXED USE AND SPECIAL PURPOSE DISTRICTS

This is a new section and is added to implement the 2017 Comprehensive Plan specifically to encourage creative redevelopment of commercial or industrial properties shown on the future land use map as “Flex.” Additional mixed use districts could be added later under this division.

Section 50-107. Flexible Redevelopment District (FRD)

(a) Purpose. The purpose of this district is to encourage the creative redevelopment of certain previously-developed properties by allowing a mix of compatible land uses in conformity with the city Comprehensive Plan and with an approved site plan. This may entail the re-use of existing structures or the redevelopment of former commercial or industrial sites for new construction, or a combination of both activities. The intent is to rejuvenate economic activity to relatively large tracts that have been vacant, thereby providing jobs and increased tax base. This district would be appropriate for those areas shown on the Future Land Use Map as “Flex” land uses, and it may be suitable for other redevelopment projects. As an alternative, mixed use development can be achieved through the Planned Unit Development (PUD) zone (Division 8) that provides more flexibility in yard requirements and a wider range of land uses in a unified, cohesive manner through a master plan.

(b) Permitted uses

1. Art studio or gallery
2. Business support services
3. Business or trade school
4. Catering services
5. Communication services
6. Conference center
7. Consumer repair service
8. Dance or music studio
9. Data center or call center
10. Financial institution
11. Food and beverage production, processing, packaging, or bottling
12. Health club or fitness center
13. Hotel
14. Indoor amusement or entertainment facility
15. Indoor sports and recreation facility
16. Laboratory
17. Light manufacturing involving only assembly and packaging of products or components with no heavy machining or outside noise, vibration, odors, or storage. Includes custom manufacturing.
18. Micro-brewery
19. Mini-warehouse
20. Museum

21. Office, general
22. Office, medical
23. Personal services
24. Plant production, indoor
25. Print shop and/or publication printing
26. Research and development center
27. Residential uses, in conformity with R-3 uses in Section 50-31(d).
28. Restaurant, general
29. Store, General retail
30. Store, Neighborhood
31. Store, Specialty
32. Utilities, Minor
33. Wholesale business
34. Similar uses to those above, as determined by the Planning Commission as per Section 50-33 (a).

(c) Permitted uses- with special use permit

1. Manufacturing with more intense activity than light assembly and packaging
2. Outdoor entertainment facility
3. Outdoor recreation and sports facility
4. Outdoor horticulture and nursery
5. Outdoor vehicle and equipment sales
6. Outdoor storage associated with light manufacturing or distribution
7. Utilities, Major
8. Similar uses to those above, as determined by the Planning Commission as per Section 50-33 (b).

(d) Accessory Uses. Any accessory building or use customarily incidental to the above permitted and special uses is permitted.

(e) Minimum Lot Area. There shall be no minimum lot area for non-residential uses, but developments with residential uses shall conform to the following: Single-family dwellings (R-1 lot area in 50-41), townhouses (Sec. 50-118), two-family dwellings (R-2 lot area in 50-41), and multi-family dwellings and other residential structures (R-3 lot area in Sec. 50-41).

(f) Lot Coverage. Lot coverage shall not exceed 40% of the total area with green space and common area, including parking, comprising the other 60% or more of the total acreage.

(g) Height. Height limit of 100 feet, excluding items listed in Section 50-43 (c).

(h) Setbacks. The yard requirements for non-residential uses shall comply with setbacks of the B-1 district found in Sec 50-42. The setbacks for residential uses shall conform to

the following: For single-family dwellings (R-1 in 50-41), townhouses (Sec. 50-118), two-family dwellings (R-2 in 50-41), and multiple family dwellings and other residential structures (R-3 in Sec. 50-41).

(i) Compatibility of Land Uses. The land uses proposed shall be arranged so that compatibility both internal to the site and external to adjoining land uses is maximized and use conflicts are minimized.

Section 50-108. Railroad District

a) Purpose. The purpose of this district is to delineate all properties owned by the railroad and used for rail transportation purposes and closely related uses.

(b) Permitted uses. The permitted uses in this district are railroad infrastructure and any ancillary use related to rail transportation including depots, loading facilities, offices, and maintenance uses.

(c) Yard requirements. The yard requirements shall be the same as for the M-1 Light Industrial District in Section 50-42, except that no side yard setback is required if adjoining a manufacturing district.

Section 50-109 through 50-117. Reserved

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DIVISION 10. – DESIGN AND USE STANDARDS

Note: This division combines existing provisions for townhouses, manufactured home parks, and the newly developed overnight recreational development standards into one section. We also propose that a set of basic landscaping standards be added later to this section.

Sec. 50-118. – Townhouses *Currently in Sec. 50-92 as an overlay district.*

- (a) Purpose: The regulations set forth in this section or set forth elsewhere in this article, when referred to in this section, are the regulations for townhouses, as defined in Division 18 and permitted in Division 3. The purpose of this section is to provide for the special nature of townhouse development in which single-family dwelling units are attached and share common walls, and smaller lots are appropriate as long as certain standards are maintained to ensure a reasonable amount of open space, recreational facilities, and accessory uses as may be deemed necessary and compatible with residential surroundings.
- (b) Setbacks.
1. The minimum front and rear setbacks for townhouses shall be the setback for the district in which the units are located.
 2. Where a group of townhouses adjoins a single-family residential district (R-1 or R-1A), a side yard of twenty (20) feet shall be provided from the end townhouse to the adjoining property line.
 3. Where a group of townhouses adjoins a private drive, parking area or walkway intended for the common use of townhouse occupants, or adjoins a boundary line within the same zoning district, a side yard of ten (10) feet shall be provided for each end residence in the group.
 4. Where a group of townhouses adjoins another group or series within the boundaries of the same townhouse development, a side yard of ten (10) feet in width shall be provided for the end residence within each group.
- (c) Area and Density. Density of development shall not, under any circumstances, exceed 12 dwelling units per gross acre, with gross acreage defined as all land within the exterior boundaries of the tract on which the development is located, including private lots, private drives, parking areas, green area, and public streets and other public or semipublic uses established as part of the development plan
- (d) Dwelling lot width. The minimum width for interior lots measured at the building line shall be 16 feet and shall average not less than 18 feet within the same structure or group.

- (e) Dwelling lot area. The minimum lot area required for townhouses is 2,000 square feet per dwelling unit.
- (f) Height. The height of all structures shall be limited to 30 feet or 2½ stories.
- (g) Limitation on number of units. Not more than ten townhouses shall be included in one structure or group.
- (h) Streets. Lots may front on private streets that meet the requirements of Article III.
- (i) Requirements for common areas. A plan of perpetual maintenance shall be established with provision satisfactory to the planning commission to assure that common areas for the common use and enjoyment of occupants of townhouses, but not in individual ownership by such occupants, shall be maintained in a satisfactory manner without expense to the city.
- (j) Parking. Required off-street parking space of 1½ spaces per dwelling unit shall be provided on the lot.
- (k) Site plan required. Any application for the construction of townhouses shall comply with the provisions of City Code relating to site plans.

Sec. 50-119. Manufactured Home Parks Currently in Sec. 156-157

- (a) Purpose. The regulations set forth in this section, or set forth elsewhere in this article when referred to in this section, are the regulations for manufactured home parks in which spaces are offered on a lease basis for owner or tenant occupied manufactured homes
- (b) Minimum acreage. The minimum area for a manufactured home park shall be three (3) acres.
- (c) Required lot area. Individual manufactured home spaces shall be provided consisting of a minimum of 3,600 square feet for each space and shall be marked by iron pins at each corner.
- (d) Maximum density. The park shall have no more than eight spaces per gross acre.
- (e) Yard requirements. Each space shall be at least 40 feet wide and each manufactured home shall be located at least ten (10) feet from the side line of the designated space. There shall be at least a fifteen (15) foot side yard clearance between mobile homes parked end-to-end. No manufactured home shall be located closer than thirty (30) feet to any building within the park nor closer than fifteen (15) feet to any interior drive.
- (f) Drainage. The park shall be located on a well-drained and properly graded site. Necessary site drainage improvements shall be as approved by the city engineer.
- (g) Interior drives and walkways. All manufactured home spaces shall abut upon an approved interior drive, of not less than 24 feet in pavement width, which shall have unobstructed access to a public street or highway. Walkways not less than four feet wide shall be provided to all accessory buildings or service facilities of

the park. All interior drives and walkways within the park shall be paved in accordance with standards for local streets or minor residential streets as defined in the appendix to article III, Subdivisions.

- (h) Off-drive parking. Each manufactured home space shall be provided with at least two off-drive parking spaces, hard-surfaced and adequately marked.
- (i) Recreation area. Any manufactured home park designed shall provide, on the same lot, a centrally located area to be designated and set aside for recreation use. Such recreation area shall contain a minimum area of 200 square feet for each manufactured home space in the park and one off-drive parking space for each ten manufactured home spaces.
- (j) Recreational vehicles are not allowed in manufactured home parks.
- (k) Water, sewerage, and electricity. Each manufactured home space shall be provided with, and each manufactured home shall be connected to public water and sewer, and to electric service that meets all applicable codes and standards.
- (l) Lighting. Streets, drives, and walkways shall be illuminated as required by the city for streets. Lighting shall be designed to eliminate adverse impact on adjoining properties.
- (m) Refuse collection facilities. One refuse collection station shall be provided for each 20 manufactured homes at a location not more than 200 feet from any home served. This collection station shall be conveniently located for collection and the station, or stations, approved by the public works director during the site plan process. If individual refuse containers are used at the manufactured home space, stands may be used to hold the cans and screens shall be used to cover the cans from conspicuous view. The collection station and individual cans shall be kept in a sanitary condition at all times.
- (n) Service, administration and other buildings:
 1. One manufactured home may be used as an administrative office, provided that the park administrator is resident in the home. Other administrative and service buildings shall be of permanent structure and comply with all applicable ordinances and codes.
 2. Service buildings shall be well lighted at all times of the day and night and shall be well ventilated.
 3. No building shall be located closer than thirty (30) feet from any manufactured home.
 4. All service buildings and the grounds of the park shall be maintained in a clean and safe condition and not adversely impact the health, safety, and welfare of the park occupants or constitute a nuisance.
- (o) Structural additions. Structural additions to manufactured homes, other than entrance porches and canopies, are prohibited. Structural canopies and porches with roofs

are considered part of the manufactured home and must meet the yard requirements in (e) above.

- (p) Fire protection. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good condition, of such size, type, and number and so located within the park as to satisfy applicable regulations of the city fire department. No open fires shall be permitted at any time. Fire hydrants shall be located as required by the fire marshal.
- (q) Fuel storage. Individual fuel containers and outdoor storage facilities and connections shall be inspected and approved by the fire marshal.
- (r) Skirting and Anchoring. All manufactured homes shall be completely skirted such that no part of the undercarriage shall be visible to the casual observer and with a durable material with a life expectancy of at least five years. All anchoring shall be done in compliance with current building code standards.
- (s) Landscaping and screening. The park shall have perimeter vegetative landscaping in a manner to provide an adequate buffer with adjacent residential neighborhoods to be approved by the city engineer during the site plan process.
- (t) Certificate of occupancy. The building inspector shall issue a certificate of occupancy when all provisions of this division have been met and before any unit is parked.

Sec. 50-120. Overnight Recreational Development *Currently in Section 50-177*

- (a) Purpose: The purpose of these standards is to provide regulations for the development of attractive, well-maintained commercial campgrounds, recreational vehicle parks, and recreational cabins. This section is intended for unified developments occupying a single or adjacent tracts of land under one ownership, and not a subdivision with individual landowners.
- (b) Procedure for application: Each application for an overnight recreational development shall follow the following procedure:
 1. Initial Application Meeting. Prior to submittal of a site plan for an overnight recreational development and before any site improvements are made, the applicant shall meet with appropriate city staff to review conceptual site plans, and other information relating to the proposed application.
 2. Formal Application. Following the initial meeting, a formal application shall be filed with a preliminary Site Plan drawn on a scale of not less than one inch equals fifty (50) feet with the following information. If the proposed location requires a special exception permit, this step shall be required as part of the special exception application.
 - a. Project location, present zoning, adjacent zoning, adjacent land use, acreage and general topographic contours;

- b. Proposed private street layout and dimensions, including a typical cross section of proposed streets and proposed minimum and maximum grades;
- c. Location of all individual campsites, structures, parking spaces and pads, and common recreational space facilities;
- d. Existing utilities and proposed connections to existing or proposed new water, sewer, electric, and storm water drainage facilities.
- e. Landscaping and buffering plan for the development;
- f. Flood plain information, including identified floodway and flood elevation data;
- g. Existing easements, covenants, right-of-ways, or other restrictions located on the property;
- h. Other additional information as may be reasonably required by city staff on the preliminary site plan, including but not limited to, utilities, drainage, lighting, and other features.

3. Final Site Plan and Final Construction Drawings. Following approval of the preliminary site plan or the application for Special Exception, if applicable, the applicant shall prepare a final site plan and construction drawings consistent with the provisions of Article VII, Division 3.

(c) Phased Development. In the case of a phased development, final approval may be granted in phases. All improvements for each phase shall be completed prior to the issuance of a letter of completion, and no campsites or overnight cabins shall be occupied in the applicable phase until a certificate of occupancy or letter of completion has been issued. Improvements may be required within the development but outside the proposed phase, when it is determined by the City Engineer, Building Official, or the Virginia Department of Health to be necessary for public health or safety.

(d) In accordance with Section 50-601 (d), the final site plan is null and void if construction or development has not commenced within six months of site plan approval. A time extension may be granted in compliance with 50-601 (d) (3). In the case of a required Special Exception, any substantial design changes in the final site plan from the preliminary site plan as presented to the Planning Commission shall require approval of the Planning Commission and City Council through the special exception process, provided in Section 50-39.

(e) Applicable State or City Requirements. An overnight recreational development shall comply with the following requirements:

1. Any campground shall be properly approved by the Virginia Department of Health and comply with applicable standards in Code of Virginia Title 35.1 and related Virginia administrative code;
2. Any cabin structures must meet requirements of the Virginia Residential Code;
3. Any development under this Section shall comply with city and/or state standards for land disturbance, storm water management, and any other applicable city or state requirements.

(f) Development Standards

1. There shall be a minimum total contiguous lot area of ten (10) acres for any development.
2. All campsites and cabins shall be designed to provide a setback of at least thirty-five (35) feet from a public right-of-way and twenty-five (25) feet from any adjoining property boundary, and each site shall be a width of at least twenty-five (25) feet.
3. Any accessory uses or structures shall meet the setbacks in (f) 1. Any accessory structure shall be at least fifteen (15) feet from the edge of any internal street.
4. Each campsite shall have pads and/or parking spaces improved with asphalt, concrete, crushed stone, impermeable or permeable pavers, or other material if approved by the City Engineer.

(g) Road Access and Internal Streets. An overnight recreational development shall meet the following street access and construction requirements:

1. The development shall have a minimum of fifty (50) feet of street frontage on a public, city-maintained street which provides sufficient access to an arterial roadway.
2. Each campsite and overnight cabin must have direct access to an internal street in the development. All internal streets shall be private and shall, at a minimum, be constructed to standards contained in this section.
3. Access shall be constructed to ensure all vehicles utilize transportation circulation within the development and are only permitted ingress and egress from the development from approved, limited access driveway entrances, as shown on the approved site plan.
4. Private streets shall be indicated on the approved site plan. All private streets shall:
 - a. Be a minimum sixteen (16) feet in width if two-way streets are utilized or a minimum ten (10) feet in width if one-way streets are utilized, with adequate turning radius at all intersections.
 - b. Be paved for a minimum of forty (40) feet from the intersection with the public, city-maintained street or the full length of the street if it is less than forty (40) feet in length from the public street. The remaining portion of the internal streets shall be improved with asphalt, concrete, crushed stone,

impermeable or permeable pavers, or other material if approved by the City Engineer.

- c. Unless otherwise approved, all dead end streets/drives shall be designed with a cul-de-sac having a minimum pavement radius of 30 feet.

- (h) Utilities. Overnight recreational developments shall meet the following utility infrastructure requirements:
 - 1. The development shall be provided with public water service with adequate fire flow.
 - 2. Fire hydrants shall be located at each entrance of the development.
 - 3. The development shall provide for solid waste disposal utilizing an adequate number of waste dumpsters that are shielded from view with proper screening.

- (i) Fires. Any fire pits for recreational use and cooking shall be no more than a 3 foot by 3 foot in size. Any local, state, and federal restrictions on burning bans shall apply within the development.

- (j) Accessory Uses. The overnight recreational development may include other structures and uses that are a component of the overall development and for use only by those guests staying at the development. These uses shall be only incidental to the primary use of the property for overnight accommodations. These types of uses would include the following:
 - 1. Small grocery store and concessions
 - 2. Bathhouse and restroom facilities
 - 3. Laundry facilities
 - 4. Common living or clubhouse space
 - 5. Recreational facilities such as playgrounds, swimming pools, tennis courts, ballfields, picnic areas, and game rooms.

- (k) Landscaping and Buffering. The overnight recreational development shall meet the following requirements to provide sufficient open space and protect adjoining properties:
 - 1. A minimum of twenty-five (25) percent of the overall Overnight Recreational Development must be green space including the required landscaping and buffering areas.
 - 2. The green space should be dispersed to provide a break in the impervious surfacing of the development and be landscaped to improve the esthetic quality of the development.
 - 3. A peripheral boundary shall be provided. The area within the peripheral boundary shall remain as open space without any type of development, except for the direct ingress and egress to and from the property, signage, and fencing.

4. The peripheral boundary shall be along the full length of all outer property line boundaries of the proposed development site. Its width shall be a minimum of twenty-five (25) feet along the length of property lines that abut residentially used or zoned property and shall be a minimum width of ten (10) feet along the length of property lines which abut non-residentially used or zoned property and along public roadways.

- (l) Permanent and Long-Term Occupancy Prohibited No campsite or overnight cabin shall be used as a permanent or long-term living place.
 1. Continuous occupancy beyond thirty (30) days in any 12-month period shall be presumed to be permanent occupancy and is prohibited.
 2. Any action toward removal of wheels of an RV, except for temporary short-term repair, is prohibited.
 3. No permanent external appurtenances such as carports, additions, or patio may be attached to any camping unit or RV.
 4. Any operator of a campground, RV park, or overnight cabin development shall maintain records of occupancy sufficient to demonstrate compliance with the prohibition against permanent occupancy. Such records shall include the initial date of arrival and final departure for the party of each responsible camper, RV, or cabin renter.

Sec. 50-121. Landscaping and Screening. *Remaining Sections to be Added Later.*

- (a) Where any business or manufacturing district abuts a residential district, any new construction or development within such business or manufacturing district on property that is contiguous with such residential district shall be provided with either masonry- or evergreen-vegetation-type screening, or such other type as may be acceptable to the Planning Commission.

Note: This is current Section 50-40.

Sec. 122. through Sec. 130. Reserved

DIVISION 11. – SUPPLEMENTAL REGULATIONS

This section combines some of the existing regulations found in Division 1 of the city zoning code; revises language on accessory structures; residential uses in business zoning districts, and manufactured homes; and adds a section on agricultural uses in residential areas, and a provision for “accessory dwelling” in R-2 and R-3.

Sec. 50-131– Parking

- (a) Off-street parking and off-street loading space shall meet the requirements in Article VII, Division 2 of this chapter.
- (b) In the B-2 district, the following regulations apply:

Below is adapted from current Section 50-108.

1. A parking garage is allowed as a primary use of a property if it is compatible with other buildings in the immediate area in terms of building size, setbacks, and height of the structure.
2. A parking lot as a primary use of a property is allowed if a design is approved by the planning commission that provides a landscape buffer between the parking lot and the sidewalks or streets of a minimum of five feet in width consisting of earthen berms, tree and/or shrub plantings, or a combination of these. The design of such buffer shall be such that it provides separation between vehicular and pedestrian areas without creating safety or security concerns.
3. Buildings hereafter constructed, extended, or converted to commercial use, and which have access to a public alley shall provide off-street facilities as required in Article VII, Division 2, of this chapter for the loading and unloading of merchandise and goods, whether within the building or adjacent to a public alley, in such a manner as not to obstruct freedom of traffic movement on the public alley.
4. There are no requirements for off-street parking for the B-2 district, other than for hotels and multi-family dwellings as the principal use of the property. Off-street parking for these uses shall be provided as required in Article VII, Division 2, of this chapter. Such parking areas shall be separated from pedestrian areas by use of earthen berms, planted buffers, decorative fences, decorative walls, or some combination of these, designed to provide attractive visual separation without creating safety or security concerns.

Sec. 50-132 – Fences and Walls. *Currently found in 50-31.*

Fences and walls shall be permitted in all districts provided they comply with the following restrictions:

- (a) In all districts, fences or walls shall be a minimum of 36 inches in height.

- (b) In all districts, fences or walls shall not be erected across any public way or easement so as to deny access or obstruct the normal flow of water in the case of drainage easements.
- (c) In all districts on corner lots, no fence or wall shall be erected which would restrict sight distance or obstruct vision to a greater degree than as required by the current standards of the Virginia Department of Transportation.
- (d) Any wall which will not permit air and vision to penetrate 80 percent of its surface area measured along its length and from grade level to the highest point on the fence shall be prohibited on a corner lot where it would obstruct vision or sight distance.
- (e) No fence or wall hereafter constructed shall be greater than 96 inches above grade level.
- (f) No provision of this section shall be construed to prohibit any retaining wall, supportive structure or security fencing where such fence or structure is deemed necessary by the building code official or governmental authority having jurisdiction.
- (g) Barbed or razor wire and electrified fences are prohibited in all residential districts unless approved by the zoning administrator as necessary and safe.
- (h) Fences shall not be constructed using construction waste or demolition waste. For purposes of this section, "construction waste" means solid waste, which is produced or generated during construction of structures. Construction waste consists of discarded lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Specialty and/or repurposed building materials which have been restored in good condition may be acceptable if approved by the building official.

Sec. 50-133. Home Occupations Currently found in 50-32.

(a) It is the intent of this article to allow an occupation for gain or support in the dwelling unit, provided that the use does not adversely affect the immediate neighborhood by excessive traffic generation, parking, noise, appearance, or other incompatible characteristics. Home occupations shall be allowed in all residential zoning districts except the golf course residential (GCR) district, unless prohibited by deed restrictions or homeowner association restrictions.

(b) General standards:

1. No person who is not a resident of the dwelling may be engaged or employed in the home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign, of dimensions no greater than two square feet. Any such sign must be attached to the exterior of the dwelling.

4. No home occupation nor any phase thereof, including storage, processing or other activity associated with such business, shall be conducted in any accessory building. There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation.

5. There shall be no goods or products sold or offered to purchasers on-site, other than goods or products that are accessory to a service delivered on-premises to a customer or client of the business. Sales of products other than the above of other items must be limited to off-site or on-line

6. All parking in connection with the home occupation (including parking of vehicles marked with advertising or signage for the home occupation) must be accommodated off the street, in driveway or garage areas on the premises. No parking in connection with the home occupation shall be allowed in the front yard.

7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, including transmittal through vertical or horizontal party walls. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, or causes fluctuations in line voltage off the premises, including through vertical or horizontal party walls.

8. Customer or client visits to the home occupation may only take place between the hours of 9:00 a.m. and 8:00 p.m.

(c) Approval process. A business license from the office of the commissioner of the revenue is required in order to establish and operate a home occupation. To obtain a license, the applicant must first complete and sign a home occupation permit stating that the above general standards are understood and will be adhered to. Failure to comply with the general standards may result in revocation of the permit and the applicant's business license effective immediately. The home occupation permit is available at the office of community

Sec. 50-134. Accessory Buildings and Uses. *Currently found in 50-33.*

(a) It is the intent of this article to permit accessory buildings and uses, provided that they:

1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
2. Do not involve the conduct of trade on the premises in residential districts.
3. Are located on the same lot as the permitted use or structure.
4. Do not involve operations not in keeping with the character of the area.

- (b) No accessory building or use shall be located on any residential lot in front of the plane of the rear wall of the principal building, except in the following circumstances:
1. This provision shall not be applicable to garages or carports for row or townhouse attached dwellings, nor shall it be applicable to garages or carports for multi-structure apartment or condominium complexes when all the buildings in such multi-structure complex are situated on the same lot, tract or parcel.
 2. A single-family residence may have a detached garage or carport in the side yard, not extending beyond the front wall of the dwelling, as long as it meets (c) 1 below and other provisions of this section.
- (c) All accessory buildings must be at least ten (10) feet from the side and rear property line with the following exceptions:
1. In residential districts, if a detached garage or carport is located in front of the rear wall but not extending beyond the front wall of the dwelling, it must meet the same required side yard setback that applies to the principal structure for that district.
 2. The setback on the side and rear may be reduced to five (5) feet if contiguous to an alley on the rear property line, or in the event that the accessory building is not more than 256 square feet in size and is not in front of the plane of the rear wall of the principal building.
- (d) In residential districts, accessory buildings cannot exceed one story in height if situated within 15 feet of lot line. Otherwise the maximum height shall not exceed the height of the principal structure.
- (e) The square footage for all accessory buildings situated on a lot shall not exceed ten percent of the maximum lot coverage or 720 square feet, whichever is greater.
- (f) One accessory dwelling unit is allowed on a lot with a principal single-family dwelling in R-2 and R-3 zoning districts, provided it meets the definition in Division 18, and the following requirements:
1. The accessory dwelling unit meets (a) through (d) above
 2. The size of the unit meets (e) above and is less than 50% of the square footage of the principal dwelling whichever is less;
 3. Total lot coverage requirements in Division 4 are met;
 4. Two additional off-street parking spaces shall be required for each accessory dwelling unit in addition to that required for the single-family residence, unless the unit is less than 360 square feet in which only one additional space is required.

Sec. 50-135. Residential Uses in Business and Industrial Zones. Currently found in 50-42.

- (a) Residential uses existing in business and manufacturing districts at the time of the adoption of the ordinance from which this article was derived shall be permitted to expand in conformance with the requirements for the R-3 district; provided, however, that the construction of new residences within manufacturing districts shall be

prohibited except as allowed under Section 50-5 for non-conforming structures damaged by accidental fire, natural disaster, or other act of God.

- (b) New single-family and two-family dwellings may be permitted in business districts upon approval of the planning commission, provided that such residential structures are of such design and use as to be compatible with other structures and uses in the area and they meet the yard and density requirements of the R-3 district. This includes the new construction or substantial reconstruction of single-family or two-family structures or the conversion of non-residential structures to single or two-family residential use.
- (c) The new construction, substantial reconstruction, or expansion of a multiple-family dwelling in the B-3 and O-I zones is allowed by special use permit in accordance with Division 14, while multiple family dwellings are a permitted by right use in the B-2 and FRD zoning districts in accordance with the density and yard requirements for R-3 in Division 4.
- (d) Dwelling units are allowed in B-2 district above the first floor and as a secondary use located in the rear of the structure (without meeting the R-3 density and yard requirements).

Sec. 50-136. Agricultural Uses on Residential Property *New section*

- (a) Backyard chickens may be permitted as an accessory use on single-family residential lots in R-1A, R-1, and R-2, provided the following conditions are met:
 - 1. No more than six (6) hens are allowed and no roosters are allowed;
 - 2. Chickens shall be kept inside an enclosed shelter and fenced pen with the following specifications
 - a. A covered, predator-proof shelter that is thoroughly ventilated, provides sun, shade, and protection from the elements, and is at least five (5) square feet per chicken in size;
 - b. An attached pen enclosed at all times and on all sides and the top with strong fence of mesh wire, and providing at least ten (10) square feet of per chicken;
 - 3. Both shelters and pens must be kept in a neat and sanitary condition at all times. No person shall store, stockpile, or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies and other pests, or for any other reason, diminishes the rights of adjacent property owners to enjoy reasonable use of their property;
 - 4. The structure shall be located behind the plane of the rear wall of the residence;
 - 5. The structure must be at least one-hundred (100) feet from any adjoining property line; *This is currently in Bristol City Code Section 14-5.*
 - 6. There shall be no slaughter of chickens or sales of poultry or eggs at the site;
 - 7. All feed must be stored in an impenetrable container to prevent the attraction of rodents and other animals;

8. An annual permit and fee shall be required to be obtained from the city. The applicant must be the owner of the property or have written permission from the property owner to keep chickens on the property.
- (b) The keeping of honeybees may be permitted as an accessory use on single-family residential lots in R-1A and R-1, provided the following conditions are met:
1. A minimum lot size of 10,000 square feet is required for up to two (2) hives; a minimum lot size of 12,000 square feet is required for up to three (3) hives; and a minimum lot size of 15,000 is required for up to a maximum of four (4) hives. No hives are permitted on any lot less than 10,000 square feet.
 2. There shall be at least one adequate and accessible water source provided on-site exclusively for the hives and shall be located within twenty (20) feet of all hives. A natural stream, pond, or spring may constitute an adequate source.
 3. The hives shall be located in the rear yard of the residence and at a minimum of twenty-five (25) feet from any side or rear property line.
 4. If the landing platform of a hive faces and is within fifty (50) feet of any lot or property line, there shall be a flight path barrier, consisting of a fence, structure or evergreen shrubs not less than six (6) feet in height, located in front of and shielding of the hive or set of hives.
 5. Honey bees must be acquired and hives constructed and maintained in accordance with Title 3.2, Chapter 44 of the Code of Virginia.
 6. An annual permit and fee shall be required to be obtained from the city. The applicant must be the owner of the property or have written permission from the property owner to keep bees on the property.

Sec. 50-137. Temporary Uses Currently found in 50-176.

(a) *Mobile food vending units.* Mobile food vending units are allowed on property zoned either business or manufacturing (B-1, B-2, B-3, M-1, and M-2) provided a city temporary use permit is obtained and the following requirements are met:

1. The operator shall have a current permit from the Virginia Department of Health for a mobile food vending unit;
2. The operator shall have a current city business license;
3. If the operator is not the property owner where the unit will be located, written permission from the property owner must be provided;
4. The unit cannot be located in the public right-of-way, in loading zones or fire access zones, or consume otherwise necessary parking spaces; The unit shall not block site distance or create a hazardous traffic situation;
5. The unit must meet the setbacks of the zoning district;
6. The unit shall not remain stationary on the property overnight; other than at the location where it is being stored and serviced when not in operation.
7. The mobile unit shall be not be permanently placed on the property and no permanent structure shall be attached to the mobile unit;
8. Any signage shall be securely attached to the mobile food unit;

9. There shall be a minimum buffer of 100 feet between the mobile vending unit and any primary residential structure;

10. As part of the review process for an application for a temporary use permit, the zoning administrator may consider certain site conditions, such as, but not limited to, the size and condition of the parking area, and the safety of ingress and egress, and the proposed storage area for the unit when not in use. Any storage area for a unit shall also meet paragraphs (3), (4) and (5) above.

(b) *Temporary seasonal sales.* Temporary seasonal retail sales activity as defined in Division 18 is allowed on property that is zoned either agricultural, business or manufacturing (A, B-1, B-2, B-3, M-1, and M-2) provided a city temporary use permit is obtained and the sales activity meets the following requirements:

1. The operator of the sales activity shall have current business license;
2. If the operator is not the property owner, written permission from the property owner must be provided;
3. The activity shall meet the front yard setback for the district in which it is located;
4. None of the sales activity shall block site distance or create a hazardous traffic situation;
5. The duration of the outdoor sales activity shall be restricted to no more than 90 days. An extension of time may be allowed if a site plan meeting the requirements of article VII, division 3 is approved.
6. Unless excluded from the definition of "temporary seasonal sales" as found in Division 18, temporary outdoor retail sales of products that are not agricultural or horticultural in nature are not allowed.

(c) *Portable storage containers.* Portable storage containers are allowed in any zoning district provided that the following requirements are met:

1. The container shall not be placed on any lot that does not contain an existing principal building or a principal building under construction; and shall only be permitted as an accessory use to the principal use of the lot on which such container is located;
2. No container shall be placed in the public right-of-way;
3. The container shall not be connected to utilities;
4. The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited;
5. On properties containing a residential use, a temporary use permit is required for the storage unit. No more than one storage container may be allowed on one lot, and the location of the container shall meet the required front yard setback area for the zoning district to the greatest extent possible, and the container shall be at least ten feet from side and rear property lines, or in a private driveway.
6. On non-residential properties, more than one portable storage container may be allowed on a lot. The location of any container shall be in the side or rear

yard of the structure and shall be located no closer than five feet to any side or rear property line. A temporary use permit is not required, however the unit must meet other requirements in this section, and the placement of multiple storage containers on the lot is subject to the site plan review process.

7. No portable storage container shall be located on or block access to, a required parking space, public sidewalk, circulation aisle, or fire access lane, or cause a visual obstruction to pedestrians or motor vehicles leaving or entering the property.

8. The duration of the portable storage container on a residential lot shall be restricted to 60 days. A temporary use permit may be renewed for one additional 30-day period.

(d) *Permit and fees.* Temporary uses specified in (a), (b), and (c), unless specifically exempted, require a temporary use permit to be issued by the city. A temporary use permit may be revoked by the city if the requirements of section 50-137 are not met. The fee schedule for temporary use permits shall be established by city council.

Sec. 50-138. Manufactured Homes and Mobile Homes

Currently in Sec. 50-38 and 50-159, but language has been updated and clarified.

- (a) The placement of a mobile home, as defined, as a dwelling either on its own lot or in conjunction with another principal building, or in a manufactured home park is prohibited. No existing mobile home shall be used for any other purpose than that of a single-family dwelling.
- (b) No manufactured home, as defined by the Virginia Manufactured Home Safety Regulations, shall be used for any purpose other than that of a single-family dwelling unit.
- (c) Manufactured homes used or occupied in accordance with subsection (2) of this section shall hereafter be located only within the R-MH district with the exception that manufactured homes may replace existing homes in manufactured home parks not zoned R-MH as long as they meet the National Manufactured Housing Construction and Safety Standards Act of 1976. In the event that a majority of the manufactured home spaces or units in a non-conforming manufactured home park are vacant for more than 12 months, any replacement of a manufactured home in that park can only occur if the entire park is rezoned to R-MH and brought into compliance with the standards in Section 50-119.
- (d) No person shall, park any manufactured or mobile home on any street, alley, highway, or other public place, or on any tract of land owned by any person without meeting the requirements of this section.

Sec. 50-139. Industrialized Buildings *Currently in Sec. 50-38*

- (a) Any industrialized building unit meeting the requirements of the Virginia Industrialized Building Safety Regulations shall conform to all requirements of

the zoning district and the statewide uniform building code for the use for which it is proposed or such use shall be prohibited.

- (b) An industrialized building unit shall be allowed as a temporary office or storage buildings on a construction site provided such unit is removed upon completion of construction.

Sec. 50-140. Recreational Vehicles *Currently in Sec. 50-159*

(a) No person shall, park any recreational vehicle on any street, alley, highway, or other public place, or on any tract of land owned by any person except for emergency or temporary stopping or parking for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by traffic and parking regulations or ordinance for that street, alley, or highway.

b) No person shall park or occupy any recreational vehicle on the premises of any occupied or unoccupied building or on any vacant lot or tract of land or in any manufactured home park, except the parking of only one unoccupied recreational vehicle in an accessory private garage building, or in a rear yard in any district when such recreational vehicle is located at least 15 feet from any property line, or in a private driveway, provided no living quarters shall be maintained or any business conducted in said recreational vehicle while such unit is parked or stored.

(c) The commercial or retail sale of manufactured homes, mobile homes, or recreational vehicles shall not be permitted under any circumstances from any manufactured home park.

Sec. 50-141. Methadone and Other Controlled Substance Substitution Clinics

Currently found in 50-43 and adopted in Jan. 2004.

(a) Methadone clinics and drug treatment clinics that dispense other controlled substances may be located in the O-I district only upon the granting of a special use permit by the city council. In addition to the other findings the city council must make prerequisite to the issuance of a special use permit, city council shall make affirmative factual findings that said program is necessary to the welfare of the citizens of the city and that the presence of said program will not cause any danger to the persons of any said citizen or a decrease in the value of property in the area in which said program is intended to be located.

Sec. 50-142 Adult Uses *Currently found in 50-261 to 265 and adopted in 2005*

(a) *Intent.* Within the city, it is recognized that there are some adult uses as defined in Division 18 that, because of their very nature, are recognized as having

serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to residential neighborhoods. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the concentration or location of these uses in a manner that would create such adverse effects. Uses subject to these controls are as follows:

1. Adult bookstore, video store, or retail store.
 2. Adult movie theater
 3. Adult model studio
 4. Adult nightclub, cabaret, or similar establishment
 5. Adult massage parlor
- (b) These uses shall may only be allowed in an M-1 or M-2 zoning district with a special use permit.
- (c) No adult use may be established within 1,000 feet of any other such adult use in any zoning district.
- (d) No adult use may be established within 750 feet of a residentially zoned district (R-1A, R-1, R-2, R-3, R-4, PUD, GCR or RMH), nor within 750 feet of any property used for residential purposes or occupied by a church or other place of worship, public library, public or private school, educational institution, public park, playground, playfield, bed-and-breakfast establishment, child or adult day care center, hotel, or motel.
- (e) The establishment of an adult use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or in part, of an existing business to any adult use.
- (f) All distances specified in this division shall be measured from the property line of one use to another. The distance between an adult use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

Secs. 50 -143. - Sec. 149. - Reserved.

DIVISION 12. – WIRELESS COMMUNICATIONS FACILITIES

Note: This division replaces current Division 15: COMMUNICATION TOWERS AND ANTENNA and uses terminology from VA Code sections that were adopted by the General Assembly in 2017 and 2018. It is also considerably less technical in nature from existing city code and simplifies the process of approval. For purposes of this division, the terms “wireless communications,” “telecommunications,” and “communications” are synonymous.

Sec. 50-150. – Purpose and Applicability

It is the intent of this Division to encourage the provision of adequate wireless communications services and facilities where the adverse impact on the city is minimal. The requirements of this section govern the siting of wireless communication towers and facilities, including small cell facilities, except as specifically excluded herein. In the case of conflict with Federal or State law, such laws shall supersede the requirements of this Division.

Sec. 50-151. - Placement on Existing Structures and Towers

- (a) The placement of a wireless communications antenna and/or associated wireless equipment on existing structures, such as roofs, walls, water tanks, utility poles, traffic and street lights, and existing towers, is considered a Minor Utility facility as defined in Division 18 and is a permitted by right use as shown on the Land Use chart in Division 3, provided:
1. It does not extend more than twenty (20) feet above the highest part of the structure, and,
 2. It is not located on a residential structure of less than four (4) stories in height; and,
 3. The appearance of the antenna and associated equipment shall be of a color that is identical to, or closely compatible with, the color of the existing structure or it shall be camouflaged in a manner so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Written permission is granted by the owner of the existing structure for the location of the antenna; and
 5. It meets all applicable standards of local, state, and federal building codes, or others applicable city regulations.
- (b) Applications for such use must include:
1. A site plan; and
 2. A report prepared by a qualified engineer indicating the existing structure’s suitability to accept the antenna and the proposed method of affixing the antenna to the structure, and
 3. A visual impact description, including digital photos showing “before and after” construction

- (c) The application for such use shall be reviewed administratively by the zoning administrator. The review process is subject to the timing requirements for small cell facilities contained in Code of Virginia Section 15.2-2316.4 as well as the application fee established by City Council in accordance with that Section. The zoning administrator may disapprove a proposed location or installation of such a facility for one or more of the reasons contained in Code of Virginia Section 15.2-2316.4 (B) (4).

Sec. 50-152. - Construction of New Structures and Towers

- (a) Any new free-standing facility or tower is considered a Major Utility facility and is allowed as a Special Use in certain districts, as shown on the Land Use chart in Division 3. Any new wireless facility to be affixed to an existing structure but extending higher than twenty (20) feet above the existing structure shall be considered a new facility subject to a Special Use permit.
- (b) The requirements for the location and construction of all new telecommunications facilities regulated by this Division shall include the following:
1. A new wireless communications facility site shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that existing communications facilities or other existing structures cannot accommodate the applicant's proposed antenna.
 2. Communications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
 3. At the wireless communications facility, the design of the buildings and related structures used in conjunction with telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.
 4. If an antenna is installed on an existing structure, the appearance of the antenna and associated equipment shall be of a color that is identical to, or closely compatible with, the color of the existing structure or it shall be camouflaged in a manner so as to make the antenna and related equipment as visually unobtrusive as possible.
 5. A wireless communications facility or communications tower shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 6. No advertising of any type may be placed on the wireless communications facility, or other structures associated with the facility, except that a sign shall be required displaying the name, registration number and emergency contact number of the tower owner. The sign shall not exceed ten (10) square feet in size and shall be located on the security fence or other approved location.

7. Prior to the use or extension of a wireless communications tower, the owner shall have obtained approval of the structural integrity by a qualified engineer and a copy of such report shall be filed with the Zoning Administrator.
8. To ensure the structural integrity of a wireless communications facility or communications tower, the owner or operator of a communications facility or communications tower shall ensure that it is maintained in compliance with standards contained in applicable Federal, State and local Building Codes and regulations.

(c) The following setbacks and separation requirements shall apply to all new telecommunications facilities:

1. Communications towers shall be setback a minimum of 110 percent of the height of the telecommunications tower from any residential structures, provided this provision shall not apply to monopole towers certified by a structural engineer. Such monopole towers shall comply with the setbacks of the underlying zoning district for principal structures.
2. Any equipment and accessory facilities on site must be located at least twenty-five (25) feet from all property lines or the required setback for principal structures in the zoning district, whichever is greater.

(d) Telecommunications towers and facilities shall be enclosed by security fencing not less than six feet in height.

(e) Maximum tower height shall be 250 feet unless specifically allowed by the special use permit due to topographic conditions located within one mile of the proposed wireless communication facility.

Sec. 50-153. - Special Use Application Process

- (a) The following items shall be provided as part of the special use permit application;
1. Inventory and contour map of existing facilities within the city and at least one mile from the corporate limits, including specific information about the location, height, coverage and capacity zones, and design of each telecommunications facility, telecommunications tower and antenna;
 2. Calculations and necessary documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all existing and proposed improvements;
 3. Radio frequency coverage analysis;
 4. Height of telecommunications tower with proposed antenna;
 5. A visual impact analysis, including digital photos showing "before and after" construction
 6. A co-location analysis showing that the equipment planned for a new tower cannot be accommodated, either due to space, structural capacity, radio interference, or other reasons, on an existing or approved tower located in the city or within one mile of the corporate limits,
 7. The extent to which co-location will be allowed on the new tower in the future, and,

8. Other information deemed by the City to be necessary to assess compliance with this Division.

Sec. 50-154. – Removal of Defective or Abandoned Communication Facilities

(a) The following shall apply to the removal of defective or abandoned wireless communications facilities

1. Any antenna, telecommunications tower, or telecommunications facility found to be defective or unsafe shall be repaired to comply with Federal, State and local safety standards, or removed within six months at the owner's expense.

2. Any antenna, telecommunications tower or facility that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of the facility shall remove such telecommunications antenna, tower or facility within 180 days of receipt of notice from the City notifying the owner of such removal requirement. Removal includes the removal of the antennas, telecommunications towers, and telecommunications facilities, fence footers, underground cables and support buildings. The buildings and foundation may remain (with land owner's approval). Where there are two or more users of a single telecommunications facility or telecommunications tower, this provision shall not become effective until all users cease using the antennas and telecommunications tower.

3. If the antenna, telecommunications tower and telecommunications facility are not removed as herein required, the City may either seek court enforcement of such removal or the City may, at its discretion, remove the antenna, telecommunications tower and facility at the expense of the owner.

Sec. 50-155. – Supplemental Regulations

(a) Owners of new towers shall provide the city with co-location opportunities as a community benefit to improve radio communication for City departments and emergency services provided it does not conflict with the co-location requirements of this Division.

(b) All telecommunications towers and antennas must comply with or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of telecommunications towers and antennas governed by this Division shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring telecommunications towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the telecommunications towers and antennas at the owner's expense.

(c) The site plan approved by the city staff shall be valid for a period not to exceed one year. If construction of the wireless communication facility is not completed within 18

months of city approval, the applicant shall be required to resubmit site plans and request an extension from the planning commission.

(d) The user shall provide the city with a letter of certification from the design engineers (electrical, structural and civil) indicating that the wireless communication facility was constructed according to the plans approved by the city. The letter shall be submitted within 30 days of completion of the facility.

(e) The user shall provide the city with a certified copy of the engineer's annual inspection report, which includes, but is not limited to: The condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts, and a plan to correct any deficiencies, certification that the wireless communication facility is in use for the purpose it was permitted plus evidence of the required surety and the surety is sufficient to cover the demolition of the wireless communication facility. The user shall annually file a certificate of liability and comprehensive insurance policy in the amount of \$1,000,000.00.

(f) Wireless communication facilities erected for use by the city, the Commonwealth of Virginia or the United States of America may exceed the provisions of this division with documented need.

Sec. 50-156. Exceptions

Any amateur radio tower which, in combination with one or more affixed antennas, does not exceed 75 feet in height above the ground, shall be exempt from the provisions of this article. Such exempt towers shall, however, be subject to the following location restrictions:

(a) Towers, tower guys, and associated accessory structures shall meet the same setback requirements as is required for accessory structures in the zoning district in which such tower, tower guys and associated accessory structures are located, except that no such tower, tower guys or associated accessory structures may be located in front of the plane of the front wall of the principal building on the lot in any zoning district.

Secs. 50-157. through 50-162. - Reserved.

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DIVISION 13. SIGNS

This division replaces current Division 14 Outdoor Advertising. Substantial changes have been made in these regulations including increasing the maximum height of ground signs in certain districts; adding more sign allowance flexibility; making changes to bring the regulations in compliance with "content neutrality" requirements; lessening restrictions on temporary signage; and making the wording easier to understand.

Sec. 50-163. – Purpose

The purpose of the division is to:

- (a) Ensure that businesses, individuals, and institutions have a reasonable opportunity to use signs as an effective means of communication;
- (b) Preserve property values;
- (c) Enhance the physical appearance of the city, and/or the natural scenic beauty;
- (d) Reduce distractions, obstructions, and hazards to pedestrian and vehicular traffic; and
- (e) Promote and protect the health, safety, and welfare of city residents and visitors.

Sec. 50-164. – Permit Required

Except as otherwise provided in 50-165 below, all persons erecting, changing, installing, or otherwise placing signs must first obtain a sign permit. The changing of copy or sign facing on an existing sign or the painting, cleaning or other normal maintenance, not including a structural change to the sign, does not require a sign permit.

Sec. 50-165. - Exceptions

The following signs, if securely attached to real property and adequately maintained, are exempted from the requirement for a permit in Section 50-164 and from the provisions of this division unless otherwise regulated:

- (a) Historical markers authorized by the appropriate authorities;
- (b) Highway markers, traffic control signs, and street signs;
- (c) Public wayfinding signs;
- (d) Displays of public art that do not display a commercial message;
- (e) Signs on the inside of ballpark or stadium field fences, or displayed inside other large sports or entertainment venues;
- (f) Public notices or other temporary signs if authorized by the City Manager.
- (g) Home occupation signs, as regulated in Section 50-134
- (h) Temporary signs, as defined and regulated in Section 50-172;
- (i) Incidental Signs, as defined in Division 18.
- (j) Flags and insignia of the United States of America, Commonwealth of Virginia, City of Bristol, or other official flags displayed for non-commercial purposes;

- (k) Signs displayed inside a building, including those temporarily attached to windows;
- (l) Street banners, as defined, subject to city policy and authorization.
- (m) Air-activated or inflated advertisements, as long as they do not block sight distance or interfere with traffic or pedestrians, limited to one per business establishment and a display period of not more than 30 days per six-month period.

Sec. 50-166. - Certain advertisements or structures prohibited. The following advertisements or sign structures are prohibited:

- (a) Signs that may be confused with traffic signs or signals, including those implying a requirement to stop or the existence of danger, or which imitate official highway signs or traffic signals with red, green, or amber lights or reflectorized material;
- (b) Signs with intermittent or flashing lights, loud noises, or movable objects;
- (c) Signs located near any public street intersection or near any curve in a public street that obstruct clear vision of traffic in any direction, as determined by current industry standards or evaluation by the city engineering or public works department;
- (d) Signs that advertise activities which are illegal at the location of advertisement or at the location of such activities;
- (e) Signs that are otherwise prohibited by this article, as amended, or applicable regulations adopted by the state department of transportation;
- (f) Signs with lighting of such intensity, brightness, glare, or direction to the extent that it impairs the vision of any driver or otherwise interferes with that driver's operation of a motor vehicle;
- (g) Banner signs stretched across the width of a street, highway, or alley; except when such sign is attached to standards erected and owned by the city and is duly authorized by the city and subject to city policies;
- (h) Signs that are attached to any city or utility pole or street light or located in any part of a public right-of way unless approved and erected by the city, except temporary A-frame signs as regulated in Section 50-172.
- (i) Signs that are non-permanent in nature, made of plastic, paper, cloth, cardboard or similar material and are mounted on a wire frame, metal, wooden or plastic stakes and easily placed in the ground or attached to a wall or fence, except those that meet the requirements of Section 50-172 for Temporary Signs.
- (j) Off-premises signs.

Sec. 50-167. - Freestanding Signs.

The following standards shall apply to the number, location and type of freestanding, non-residential signs permitted within the city.

(a) Pole signs.

1. Pole signs shall only be allowed in the interstate advertising corridor, as defined in Division 18 and if designed for the purpose of being visible to Interstate traffic.
2. Such signs shall comply with the area and height requirements in the free-standing sign allowances chart in (e) below.

3. In no case shall land zoned for residential use be permitted a freestanding pole sign and no pole sign shall be allowed within 100 feet of a school property line.
4. In no case shall any parcel of land be permitted more than one pole sign.
5. No part of a pole sign shall be closer than five feet from any property line.
6. The maximum height for a pole sign is forty (40) feet from the adjacent grade with the exception of pole sign locations that are below the elevation of the adjacent Interstate. These properties may measure the 40 feet from the crown of the nearest Interstate.

(b) *Ground-mounted signs.*

1. Except pole signs as allowed in (a) above, all freestanding signs in the city shall be ground-mounted monument or post signs, and shall conform to the area requirements in the free-standing sign allowances chart in (e) below.
2. Establishments are permitted one ground-mounted sign per street frontage.
3. Ground-mounted signs shall not exceed ten (10) feet in height as measured from adjacent grade in B-3, M-1, M-2, or O-I; and six (6) feet in height as measured from adjacent grade in B-1 and B-2.
4. Ground-mounted signs shall have a minimum setback of ten (10) feet as measured from any property line, except as may be allowed in (d) and (e) below.

(c) *Multi-tenant signs*

1. Multi-tenant signs shall be permitted in the B-1, B-3, O-I, M-1 and M-2 zoning districts.
2. Such signs shall be no more than twenty (20) feet in height as measured from adjacent grade, and have no more than 600 square feet of total sign area, except for the B-1 district which is subject to 50-167 (e).
3. Multi-tenant signs in the B-1 district shall be no more than eight (8) feet in height and have no more than 75 feet of total sign area.
4. Multi-tenant signs shall be subject to a minimum setback of ten (10) feet as measured from any property line and shall not be permitted within 100 feet of any school property line.
5. Multi-tenant properties may construct a ground-mounted sign pursuant to the requirements of the free-standing sign allowances chart in (e) below OR a multi-tenant sign as described above.
6. Multi-tenant properties located within the interstate advertisement corridor may construct a pole sign pursuant to the freestanding sign allowances chart in (e), a multi-tenant sign as described above, and a ground-mounted sign.
7. Each tenant advertising on a multi-tenant sign may construct an advertising area equal to that allowed for ground-mounted signage pursuant to the freestanding sign allowances chart in (e) below, considering the length of individual store frontage as the same as parcel frontage.
8. Multi-tenant signs constructed within the interstate advertisement corridor shall not exceed forty (40) feet in height as measured from:

- a. The adjacent grade if directed toward an arterial road or a road of less designation.
- b. The crown of the nearest interstate if directed toward an interstate.

(d) *Setback Exception.*

When the existing buildings along a road frontage are set back less than the minimum front yard requirements, new sign setback may be less than the minimum, but not less than the average setback of all signs in the same block or 200 feet on either side of the proposed sign, whichever is greater. No sign shall be located within a street right-of-way or obstruct clear vision as defined by industry standards or as determined by the city engineering or public works department.

(e) All Freestanding Signage shall not exceed the following maximum square footage:

<i>Street Frontage or Store Frontage for Multi-tenant Properties (linear feet)</i>	<i>Maximum Area per Free-standing Sign Face (square feet)</i>	<i>Maximum Height</i>
Pole Signs	150 s.f.	Up to 40 feet in height or for sign locations that are below the elevation of Interstate, the sign can be up to 40 feet above the crown of the nearest part of the adjacent Interstate
<i>Street Frontage or Store Frontage for Multi-tenant Properties (linear feet)</i>	<i>Maximum Area per Free-standing Sign Face (square feet)</i>	<i>Maximum Height</i>
Ground-mounted Signs (Monument or post)		
Street or store frontage of 1 – 50 ft.	32 s.f.	10 feet for B-3, O-I, M-1, M-2 6 feet for B-1 and B-2
Street or store frontage of 51- 150 ft.	48 s.f.	10 feet for B-3, O-I, M-1, M-2 6 feet for B-1 and B-2
Street or store frontage of over 150 ft.	75 s.f.	10 feet for B-3, O-I, M-1, M-2 6 feet for B-1 and B-2
Multi-tenant Signs	Same as ground-mounted for each individual tenant sign	Same for pole signs if location is Interstate Advertising Corridor
	For B-3, O-I, M-1, M-2, total sign area of 600 s.f.	20 feet for B-3, O-I, M-1, M-2
	For B-1, total sign area of 75 s.f.	8 feet for B-1

Sec. 50-168. Wall Signs.

The following standards shall apply to wall signs within the City of Bristol.

- (a) Allowable sign area shall be determined by the length of each street frontage pursuant to the requirements in the wall sign allowances chart in (i) below.
- (b) Aggregate wall sign area shall not exceed fifteen (15) percent of the total area of the wall that the sign is placed on.
- (c) Multi-tenant buildings shall be allowed sign area per tenant space in accordance with the wall sign allowances chart in (i) below, measuring the tenant's individual unit frontage as street frontage.

Note: For example, a tenant with a unit frontage of 25 linear feet in a B-3 zone shall be allowed to construct wall signage totaling 50 square feet, as long as (b) above is met.

- (d) Wall signs shall not project more than one foot from the building wall nor shall they be within one foot of an established curb line. However, wall signs in the B-2 district may project up to four feet from the building wall.
- (e) The lower edge of projecting or suspended wall signs shall be at a height at least eight (8) feet above the sidewalk.
- (f) Wall signs that project above the roofline of the building on which they are attached shall meet all requirements of the statewide building code and be counted as part of the total wall signage allowance.
- (g) Canopy and suspended signs, shall be considered wall signs when calculating wall sign area.
- (h) When calculating allowed wall signage for establishments with multiple buildings the allowed sign area per street frontage shall be considered aggregate for all buildings.
- (i) All wall signage shall not exceed the following maximum square footage based on the location and length of the building frontage:

<i>Street Frontage (linear feet) or width of leased unit frontage on multiple-tenant properties</i>	<i>Maximum Size of Wall Signage (in square feet) Per Street Frontage or Unit Frontage</i>
For areas zoned B-3, M-1, M-2, and O-I or in Interstate Advertising Corridor	
1 – 50 ft.	50 s.f.
51- 150 ft.	100 s.f.
151 – 300 ft.	175 s.f.
Over 300 ft.	250 s.f.

<i>Street Frontage (linear feet) or width of leased unit frontage on multiple-tenant properties</i>	<i>Maximum Size of Wall Signage (in square feet) Per Street Frontage or Unit Frontage</i>
For B-1 and B-2 zones	
1 - 50 ft.	35 s.f.
51 – 150 ft.	50 s.f.
151 – 300 ft.	75 s.f.
Over 300 ft.	100 s.f.

(j) The maximum square footage may be divided between multiple signs and different sides of the building as long as the total sign area does not exceed fifteen (15) percent of the total wall space where the signage is located.

Sec. 50-169. - Signs outside Business and Manufacturing Zones

- (a) Residential signage shall be limited to one freestanding ground mounted sign per subdivision or development entrance not exceeding eighteen (18) square feet of advertising area per face, six (6) feet in height, and shall be setback at least ten (10) feet from any property line. A residential sign may be externally illuminated as long as any lighting is directed only on the sign and away from any residential property.
- (b) Signs in the FRD and the PUD District shall correspond with the regulations for the B-1 District found in this Division, and are subject to the sign allowance flexibility in Section 50-171.
- (c) Signs on residentially-zoned property for non-residential uses such as churches and schools shall correspond to the regulations for the B-1 District in this Division.

Sec. 50-170. Sign illumination and electronic message centers

- (a) All non-residential signs may be illuminated either internally or externally, unless it distracts motorists as prohibited in 50-166(b) and (f) or unless otherwise prohibited elsewhere in this division.
- (b) Electronic message centers (EMC) may be used as freestanding or wall signs and shall be counted against total allowed sign square footages as outlined in the size allowance charts in 50-167 (e) and 50-168 (i) with the following restrictions:
 1. EMC displays shall be allowed in the B-1, B-3, M-1, and M-2 districts; and churches and schools in all districts shall be permitted to utilize EMC displays.
 2. An EMC shall include automatic dimming features for low light conditions and shall not distract motorists, as prohibited in 50-166(b) and (f).
 3. An EMC shall not contain video, continuous scrolling messages, or animation.
 4. Messages or images displayed shall be static, appearing using a fade transition.

Sec. 50-171. – Sign allowance flexibility

(a) In large-scale commercial and mixed use developments, a master sign plan can be approved by the Planning Commission if the following conditions are met: all signs are well-designed and complementary to each other; signs are no larger than necessary to ensure legibility and visibility; and the number of signs within the development shall be sufficient to provide necessary and safe internal vehicle and pedestrian circulation and wayfinding. A master sign plan can result in an increase of 25 percent in area for wall signage and 50 percent in area and height for free-standing signs.

(b) For individual properties, a combined sign plan can be approved by the zoning administrator that allows the maximum allowance for free-standing signs and wall signs to be combined and distributed between those two kinds of signs, as long as 50-168 (b) is met for wall signage.

Example: A business with 100 feet of frontage would have a combined sign allowance of 148 s.f. (48 s.f. of free-standing signage and 100 s.f. of wall signage), so if they wanted to distribute that allowance differently, they could as long as they did not exceed the fifteen (15) percent cap on wall signage as required in 50-168 (b).

(c) For buildings that exceed three stories in height, the wall sign allowance can be increased by ten percent for every additional floor above three, as long as 50-168 (b) is met for each individual wall.

Example: An eight story building with 75 ft. linear frontage downtown (B-2 zone) would qualify for 75 s.f. of wall signage (50 ft. x 50% additional).

(d) Pole signs may be allowed for locations up to 500 feet beyond the interstate advertising corridor as long as the maximum size and height in 50-235 (e) is reduced by 25% for every 250 feet over the 1,000 foot distance. In these cases, sign height shall be measured from the adjacent grade.

Example: At 1,250 feet or less, pole signs can be 30 feet tall and up to 112.5 square feet in size, and at 1,500 feet or less from the corridor, signs can be 20 feet tall and up to 75 s.f. in size.

Sec. 50-172. – Temporary Signs

(a) Temporary Signs may be erected without a permit in all zoning districts, however all applicable requirements in this Division shall apply, in addition to the following regulations:

(b) All temporary signs must be securely attached to the ground, wall, or a fence; well-maintained; and must be removed if torn, damaged, falling down, or no longer

legible, regardless of the time allowance provided in the temporary sign chart under (c) below.

(c) The following regulations apply to categories of temporary signs:

TEMPORARY SIGNS				
Type of Sign	Size Limit	Maximum No.	Location/Manner	Time limit
Wall banner	Same as allowed for wall signs in Section 50-168	1 per street frontage or per occupied multi-tenant space	All business and manufacturing districts. Must be securely attached and flat against a wall or fence.	None
Free-standing banner	32 s.f.	1 per street frontage	B-1, B-3, M-1, M-2 districts At least 5 feet from street right of way and property line	None
Vertical banner sign	12 ft. maximum height	1 per 25' of street frontage	B-1, B-3, M-1, M-2 districts. At least 5 feet from street right-of-way and property line	None
Yard sign or poster	6 s.f.	1 per 25' street frontage	B-1, B-3, M-1, M-2 districts. Off city right-of-way	Up to 30 days per 6-month period.
Temporary Activity sign	32 s.f.	1 per street frontage	On site of activity only. At least 5 feet from street right-of-way and property line	30 days before and after activity
Notice of Property Sale or Lease signs	32 s.f. for non-residential 6 s.f. for residential	1 per street frontage	Only on property that is on market for sale or lease. 5 feet from street right of way or property line	30 days following removal from market
A-Frame Signs	16 s.f.	1 per street frontage	All business districts. If placed on sidewalk, must not impede pedestrian and wheelchair access	During business hours only.
Portable sign	32 s.f.	1 per street frontage	B-3, M-1, M-2 districts. At least 5 feet from street right-of-way and property line.	None
Non-commercial message sign	32 s.f. for non-residential 6 s.f. for residential	No limit	Off city right of way	6 months

(d) The FRD and PUD Districts, and non-residential uses in Residential zones such as churches and schools, shall be treated the same as the B-1 District for temporary signage regulations in (c).

Sec. 50-173. - Unsafe or Unlawful Signs

(a) Every sign and its structure shall be maintained as safe and in good structural condition at all times, including the replacement of defective parts and wiring, painting, repainting, cleaning, and other acts required for general maintenance.

(b) Upon written notice from the city, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication; or it is determined by the city to be a nuisance, or it is deemed unsafe by the city; or is unlawfully erected in violation of any of the provisions of this division.

Sec. 50-174. - Abandoned Signs

(a) Any on-premises sign that is determined to be an abandoned sign as defined in Division 18 and does not conform to the minimum standards of this ordinance shall be deemed a nonconforming sign and shall be either removed from the premises or made to conform to this chapter within 24 months from the date of cessation of the use, activity or product to which it pertains. Any on-premises sign that is determined to be an abandoned sign, but is otherwise conforming to the minimum standards of this chapter, shall be painted over within 12 months from the date of cessation of the use, activity or product to which it pertains.

(b) Any non-conforming off-premises sign which is determined to be an abandoned sign as defined in Division 18 shall be removed including the sign face and all of its supporting structure within 24 months of its cessation of use.

(c) There may be some instances that an abandoned sign whether conforming or non-conforming may be determined to be exempt from this section if the sign possesses documented historic architectural value or unique design as determined by the Virginia Department of Historic Resources or the Bristol Historical Association such as a sign painted on a wall of a historic structure, as long as it is not unsafe to the public

Sec. 50-175. - Removal

In requiring removal of unsafe, unlawful, or abandoned signs as regulated in Sections 50-173 and 174, the zoning administrator shall provide thirty (30) days from the date of the notice for compliance. If the property owner fails to comply within 30 days, the city may remove the sign and the cost of the removal shall be paid by the owner or person having the beneficial use of the premises. If the cost is not paid to the city within 30 days from the written statement requesting payment, the city may place a lien against the property until such cost is paid to be collected in the same manner as delinquent real property taxes.

Sec. 50-176. - Nonconforming signs.

(a) Normal maintenance of a legal nonconforming sign, including changing of copy, nonstructural repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted. No structural alteration, enlargement, or extension shall be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in elimination or reduction of the nonconforming features of the sign. Alteration includes adding internal illumination or an electronic message center to a non-conforming sign.

(b) A non-conforming sign shall not be relocated unless the relocation results in the sign becoming a conforming sign at the new location. All provisions of this division apply to a relocated sign, including the requirement for a permit,

(c) Should any legal nonconforming sign be damaged by any means to an extent of 50 percent or more of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this article. In the event damage or destruction of the sign is less than 50 percent of its replacement cost at that time, the sign may be rebuilt to its original condition and may continue to be displayed.

(d) Non-conforming signs shall be exempt from the provisions of this section if the sign possesses documented historic architectural value or unique design as determined by the Virginia Department of Historic Resources or the Bristol Historical Association; or if the sign is required to be moved because of public right-of-way improvements.

Sec. 50-177. through 182. – Reserved

DIVISION 14 – SPECIAL USE PERMITS

This is revised from current Section 50-39 with more explanation of the application process in conformity with VA Code and changing the term from special exception to special use.

Sec. 50-183. Purpose.

This division provides for the approval process for special uses as a discretionary, legislative action pursuant to the Code of Virginia Section 15.2-2286. The purpose of this division is to allow flexibility for certain uses to occur if they meet specific criteria set out below and any conditions that may be deemed appropriate to eliminate or mitigate adverse impacts on adjoining property or to address other public health, safety, or welfare concerns.

Sec. 50-184. Applicability.

Special uses within a zoning district are uses that are not permitted in a particular district except by special use permit granted under the provisions of this section. A special use permit shall be required for all special uses as set forth in the Land Use matrix in Div. 3.

Sec. 50-185. Authority.

Pursuant to Code of Virginia, §15.2-2286 (3), as amended, repealed, reenacted, or re-codified from time to time, the City Council does hereby reserve unto itself the right to grant special use permits, subject to such suitable regulations and safeguards as may be determined appropriate for each special use.

Sec. 50-186. Application and Review Process.

An application for each special use permit shall be submitted to the city planning office together with an application fee as provided in the appendix to this chapter.

- a) The application shall provide a detailed description of the proposed use or activity, including any proposed building construction and site improvements and shall include a concept site plan. It is advised that the applicant attend a pre-application meeting with the city planning staff to review requirements of the application and the review process.
- b) The Planning Commission shall not recommend nor shall the City Council approve any special use permit until public hearings are held by both the Planning Commission and the City Council. The Planning Commission and City Council may hold a joint public hearing after public notice as set forth below, and if such joint hearing is held, public notice as set forth below need be given only by the City Council.
- c) The procedures for required notice for the public hearing on such special use permit application shall be in conformity with the requirements of Code of Virginia, § 15.2-2204 as amended, repealed, reenacted, or re-codified from time to time. The applicant is required to pay the cost of the required public notice in the

newspaper as well as the postage cost for the mailings to adjoining property owners.

- d) Each such application shall be referred to the Planning Commission who, after due advertisement and hearing, shall make a positive or negative recommendation to the city council for final approval or disapproval. The Planning Commission, in determining whether to make a positive or negative recommendation, shall consider facts pertaining to the criteria listed in (f) below.
- e) The City Council, after due advertisement and public hearing as set forth above, and upon recommendation of the Planning Commission for approval or disapproval of the special use permit, shall approve or disapprove such permit after consideration of the evaluation factors listed in (f) below. The City Council may also consider testimony and other evidence presented by any citizen to the Council at the public hearing or at the meeting in which the permit is approved or disapproved, and upon information provided to it by city staff. The Council's decision shall be final, and it shall not be bound by the recommendation of the Planning Commission.
- f) The evaluation factors to be considered by the Planning Commission and Council are:
 - 1. The sufficiency of streets to accommodate increased traffic flow with the considered opinion of the city engineer, city transportation planner, and any certified traffic engineer being given particular weight; and
 - 2. The sufficiency of electrical, sewer and water services for the proposed project with the considered opinion of the city utility board being given particular weight; and
 - 3. The sufficiency of fire, police, solid waste, and other services of the city to meet the needs of the proposed project, the opinion of the department head of each department providing such city service being given particular weight; and
 - 4. The adequacy of protection to adjoining properties and to the air and water of the commonwealth from noise, odor, pollution and health hazards with the opinion of the state health department, state air pollution control board, and state water quality control board being given particular weight, as appropriate; and
 - 5. The impact of the proposed project upon the property values of contiguous property owners with the opinion of the city's economic development director, a certified property appraiser, or a licensed realtor with experience within the city being give particular weight; and
 - 6. Whether the natural topography, natural screening, or proposed screening to be put in place by the applicant is sufficient to promote the health, safety and general welfare of the community, to protect and conserve the value of contiguous properties, and to encourage the most appropriate use of contiguous properties; and
 - 7. Any other factor materially affecting the health, safety and general welfare of citizens

8. If the project is to construct a parking garage or a parking lot as a primary use of a property in the B-2 district, certain additional requirements must be met, as contained in Section 50-131.

Sec. 50-187 Conditions on Special Use Permits.

The Planning Commission may recommend and the City Council may require certain conditions be placed on the special use permit that are deemed necessary to protect the public interest and mitigate adverse impacts on adjoining property.

- a) These conditions may include specific site improvements or restrictions, time of operation limits, duration of permit, or other conditions related to the development of the property or operation of the activity, including that the development must be in conformity with the submitted concept plan.
- b) As allowed by the Code of Virginia 15.2-2309, the Council may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- c) Any conditions approved by City Council shall become part of the permit and shall be binding on the original applicant as well as any successors, assigns, and heirs, unless otherwise stipulated as a part of the special use permit approval.
- d) Where conditions are imposed in connection with residential special use permits in which conditions specify materials, methods of construction, or design features, the City Council shall consider the impact of conditions on affordability of housing, as required in the Code of Virginia 15.2-2286(3).

Sec. 50-188 Revocation.

The City Council has the authority to revoke a special use permit if the Council determines that there has not been compliance with the terms or conditions of the permit. No special use may be revoked except after notice and hearing as provided by § 15.2-2204 and including written notice to the permittee. However, when giving any required notice to the owners of abutting property and property immediately across the street or road from the property affected, the Council may give such notice by first-class mail rather than by registered or certified mail.

Sec. 50-189 Commencement of construction.

Construction or operation shall commence within one year of the date of issuance or the special use permit shall become void.

Sec. 50-190 Reapplication.

No reapplication for a special use permit for the same or substantially the same application shall be submitted by any party for the subject property until 12 months have elapsed from the date of denial.

Sec. 50-191 through 50-199 Reserved

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DIVISION 15 – CONDITIONAL ZONING

This division is currently in Division 13 and has been in the city zoning ordinance for many years. Some language has been added to match and update VA Code provisions. This type of zoning allows for greater flexibility and has been used for a significant number of past developments in the city. A "C" added to a zone label on the zoning map indicates conditional zoning and the city planning office maintains the conditional zoning index.

Sec. 50-200. Purpose.

It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to the land similarly zoned, as allowed by the Code of Virginia 15.2-2296. The provisions of this section shall not be used for the purpose of discrimination in housing.

Sec. 50-201. Applicability and Limitations.

A rezoning application may include and provide for the voluntary proffering in writing by the applicant of reasonable conditions in addition to the regulations provided for the zoning district by this Article, provided that:

- a) The conditions must be proffered by the applicant prior to a public hearing before the City Council;
- b) The rezoning itself must give rise for the need for the conditions;
- c) Such conditions shall have a reasonable relation to the rezoning;
- d) Such conditions shall not include a cash contribution to the city;
- e) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Code of Virginia, § 15.2-2241, as amended, repealed, reenacted, or re-codified from time to time;
- f) the conditions shall not include a requirement that the applicant create a property owners' association under Chapter 26 (§ 55-508 et seq.) of Title 55 which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in § 15.2-2241; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation;

- g) Such conditions shall not include payment for or construction of off-site improvements except those provided for in Code of Virginia, § 15.2-2241 as amended, repealed, reenacted, or re-codified from time to time;
- h) No condition shall be proffered that is not related to the physical development or physical operation of the property; and
- i) All such conditions shall be in conformity with the comprehensive plan for the city as defined in Code of Virginia 15.2.-2223; and
- j) All such conditions shall meet the requirements of the Code of Virginia 15.2-2297 as amended, repealed, reenacted, or re-codified from time to time.

Sec. 50-202. Enforcement of Conditions

The zoning administrator shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning, including:

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

Sec. 50-203. Records.

The zoning map shall show, by an appropriate symbol on the map, the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep in his or her office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone.

Sec. 50-204. Petition for Review of Decision.

Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator made pursuant to the provisions of § 1 may petition the City Council for review of the decision of the zoning administrator as provided in the Code of Virginia Section 15.2-2301.

Sec. 50-205. Amendments.

There shall be no amendment or variation of conditions created pursuant to the provisions of this division until after a public hearing before the City Council advertised pursuant to the provisions of Code of Virginia, § 15.2-2204, as amended, repealed, reenacted, or re-codified from time to time.

Sec. 50-206. through 50-212. Reserved

DIVISION 16 – VARIANCES AND APPEALS

This division incorporates parts of current Divisions 11 and 12 and adds VA Code language for the powers and duties of the BZA and procedure for variance applications that is missing in current code.

Sec. 50-213. Purpose.

This section provides for a procedure for the application for a zoning variance or for an appeal of a decision of the zoning administrator, including the role and duties of the Board of Zoning Appeals as prescribed in the Code of Virginia § 15.2-2309, and a provision for an administrative modification to the regulations herein, as allowed by Code of Virginia §15.2-2286.

Sec. 50-214. Organization of the Board of Zoning Appeals

Appointments to the Board of Zoning Appeals (referred to herein as “the BZA” or the “Board”) and its membership, terms, and organization shall be in accordance with the Code of Virginia § 15.2-2308. The BZA shall adopt rules and regulations as it may consider necessary for the conduct of its business, and shall keep minutes of its proceedings.

Sec. 50-215. Powers and Duties of the Board of Zoning Appeals

The BZA, as authorized by Code of Virginia § 15.2-2309, shall have the following powers and duties:

- a) To consider applications for variances from the terms of this division provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standard for a variance and the criteria set out in this section, and.
- b) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant hereto, and
- c) To hear and decide applications for interpretation of the zoning district map where there is any uncertainty as to the location of a district boundary.

Sec. 50-216. Board of Zoning Appeals – General Procedure

The BZA shall proceed with the following regarding its meetings:

- a) Meetings of the BZA shall be held at regular meeting times or at the call of the Chairman and at such other times as the Board shall determine.
- b) The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses
- c) All meetings shall be open to the public; and
- d) The BZA shall keep minutes of its proceedings showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact; and
- e) The BZA shall take all evidence necessary to justify or explain its action and shall keep records of its examinations and any other official actions, and

- f) The BZA and city staff shall follow the provisions of the Code of Virginia § 15.2-2308.1 regarding communications and proceedings.

Sec. 50-217. Procedure for Variance Applications

The following shall be the procedure and criteria for consideration of variance applications:

- a) Any person, property owner, or organization may make application for a variance in accordance with rules adopted by the BZA and with all accompanying information deemed necessary along with the established application fee.
- b) The city staff shall forward the application to the BZA and schedule a public hearing for consideration of the application with public notice as required by the Code of Virginia § 15.2-2204.
- c) Following the public hearing, the BZA shall grant a variance if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and
 - 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 - 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - 5. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of Code of Virginia § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of Code of Virginia § 15.2-2286 at the time of the filing of the variance application
- d) In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Sec. 50-218. Procedure for Hearing Appeals

An appeal to the BZA may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Administrator or from any order, requirement, decision or determination made by any other administrative

officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to the Code of Virginia § 15.2-2286 (4) and Section 50-233 of city code.

- a) Such an appeal shall be taken within 30 days after the decision appealed from by filing with the Administrator and with the BZA, a notice of appeal specifying the grounds thereof, along with an established fee for an administrative appeal
- b) The Administrator shall forthwith transmit to the BZA all the papers constituting the record upon which the action appealed was taken.
- c) All provisions of the Code of Virginia § 15.2-2311 shall be followed.
- d) The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety (90) days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

Sec. 50-219. Procedure for Review of Decision of Board of Zoning Appeals. Any person or persons aggrieved by any decision of the BZA, or any aggrieved taxpayer or any officer or department of the city, may file a petition with the Clerk of Circuit Court that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of the City of Bristol, Virginia" specifying the grounds on which aggrieved, within 30 days after the final decision of the BZA. The review process shall follow that prescribed by the Code of Virginia § 15.2-2314.

Sec. 50-220. through 50-226. Reserved

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DIVISION 17- ADMINISTRATION AND ENFORCEMENT

Note: This division replaces existing Division 11 and adds language for enforcement procedure that was missing. This section also includes Administrative Modifications which was added to the ordinance in 2011.

Sec. 50-227. Purpose

This division provides for the administration and enforcement of this Section, and procedure for administrative modifications as allowed by the Code of Virginia 15.2-2286 (4).

Sec. 50-228. Enforcing Officer

The Planning Director shall administer and enforce this Section and as such shall serve as the zoning administrator for the City. The duties of the planning director shall include receiving applications for rezoning, and serving as staff for the Planning Commission, the Board of Zoning Appeals, and City Council on zoning matters that are before each entity. The City Manager may designate another staff person to serve as zoning administrator under the direction of the Planning Director. The administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance, including:

- a) Ordering in writing the remedying of any condition found in violation of the ordinance;
- b) Insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to §15.2-2311;
- c) In specific cases, making findings of fact and, with concurrence of the city attorney, conclusions of law regarding determinations of rights accruing under §15.2-2307 or subsection C of §15.2-2311.
- d) Accepting applications for administrative modifications and making determinations as allowed by the Code of VA §15.2-2286 (4) and as described in Section 50-233.

Sec. 50-229. Enforcement Procedure

Upon becoming aware of any violation of the provisions of this chapter, the Administrator may issue written notice of such violation to the person committing or permitting the violations with the following stipulations:

- a) Notice shall be mailed by registered or certified mail or hand delivered.
- b) The notice of violation shall state the nature of the violation, date that it was observed, the remedy or remedies necessary to correct the violation and a reasonable time period for the correction of the violation.
- c) Every written notice of violation of the Administrator shall include a statement informing the recipient that he or she may have a right to appeal the notice of zoning violation or written order within 30 days in accordance with this section. The decision shall be final and unappealable if not appealed within 30 days.

- d) If the recipient chooses to appeal, an appeal fee shall be submitted as established by the City Council adopted fee schedule.
- e) Appeals shall be heard by the Board of Zoning Appeals in accordance with the procedures set forth in Division 16 of this chapter.

Sec. 50-230. Inspection Warrants

The zoning administrator or his agent may make an affidavit under oath before a magistrate or circuit court, and if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court issue the zoning administrator or agent an inspection warrant to enter and inspect the subject dwelling. The zoning administrator or his agents shall make reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

Sec. 50-231. Penalties

Violations of any portion of this Article shall be subject to penalties as described in Section 15.2-2209 and 15.2-2286 as well as any other applicable section of the Code of Virginia.

a) The following shall be subject to penalties: The owner or general agent of a building or premises where a violation of any provision of this article has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any person who commits, takes part or assists in any such violation or who maintains any building or premises in which any violation shall exist.

b) Upon becoming aware of any violation of the provisions of this chapter, the Administrator may proceed to issue a civil summons

c) Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the City Treasurer prior to the date set for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the established penalty after first agreeing in writing to abate or remedy the violation within a specified timeframe. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgement of court.

d) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law.

e) Any such violation of this chapter shall be a misdemeanor subject to the maximum fines allowed by Section 15.2-2209 of the Code of Virginia.

f) The violation may be prosecuted as a criminal misdemeanor as allowed by the Code of Virginia in cases of injury to persons and when civil penalties total \$5,000 or more.

g) If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate offense punishable by an additional civil fine and any other penalties as ordered by the court.

Sec. 50-232. - Remedies

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure or land is or is proposed to be used in violation of this article, the building code official, city attorney, or other appropriate authority of the city, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

Sec. 50-233. - Administrative Modifications

The zoning administrator is authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements. Administrative modifications shall not be granted for outdoor advertising.

- a) The administrator shall find in writing that:
 - 1. The strict application of the ordinance would produce undue hardship; and
 - 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - 3. The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.
- b) Prior to the granting of a modification, the zoning administrator shall give all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. If an adjoining owner, duly notified, objects to the granting of the modification the zoning administrator may:
 - 1. Suggest an altered modification request from the applicant to accommodate the adjoining owner; and/or
 - 2. Determine that the modification is warranted despite the received objection and grant the modification notifying the adjoining owner of the decision and the availability of the appeal process; and/or

3. Determine that the received objection is valid and if no accommodation may be made on the part of the applicant to satisfy the adjoining owner, require the applicant to apply for a formal variance as provided by Virginia Code § 15.2-2309.
- c) The zoning administrator shall inform the planning commission of any pending applications for modification prior to approval allowing individual members of the commission to provide written comment to the zoning administrator for his/her consideration.
- d) The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this section. The decision of the zoning administrator shall constitute a decision within the purview of Virginia Code § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. The applicant shall bear the burden of cost for any such appeal including but not limited to application and advertising fees. However, if the filed appeal is successful the city may reimburse those costs as approved by the city council. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by Virginia Code § 15.2-2314
- e) The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period

Sec. 50-234 through 50-240 Reserved

DIVISION 18 – DEFINITIONS

Note: This division replaces existing Section 50-28, incorporates definitions that were included within other divisions such as the Floodplain District, and adds more definitions that are needed to assist in interpretation. It does not include specific definitions for the Enterprise Zone overlay district which are found in Sec. 50-78 9 (e).

Sec. 50-242. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

Accessory Building, Structure, or Use: A use or structure which is clearly subordinate and customarily incidental to the main use or structure; is of a character related to the principal use; and is located upon the same lot occupied by the main use or structure. Structures attached to the main building shall be considered part of the main building. Definition includes accessory dwelling as regulated in 50-134.

Adult Establishment: Any one of the following sexually-oriented businesses:

1) Adult bookstore, video store, or retail store in which a significant portion of the stock contains depiction or description of specified sexual activities or specified anatomical areas, or instruments or devices designed for use in connection with specified sexual activities and which limits customers to persons over eighteen (18) years of age;

2) Adult movie theatre (either outside or inside) or inside arcade in which a substantial portion of the motion picture, video, or other photographic images shown, whether for group or individual viewing, is devoted to the showing of material which is characterized by an emphasis on the description or depiction of specified sexual activities or specified anatomical areas;

3) Adult model studio which is open to the public where, for any form of consideration or gratuity, one or more nude or semi-nude individuals pose for sketching, drawing, painting, sculpture, photography, or other artwork by persons other than the proprietor, excluding any school of art which is fully accredited under the Code of Virginia to issue diplomas;

4) Adult night club, cabaret, or similar establishment which features on a regular basis live performances of individuals who are nude or semi-nude. For purposes of this provision, more than one performance in a 30-day period shall be deemed to be an adult entertainment establishment. For purposes of this provision, seminude shall mean exposure of specified anatomical areas. The definition shall not apply to legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance. A finding by the zoning administrator that sexually-oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

5) Adult massage parlor where for any form of consideration or gratuity, a massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other

treatment of manipulation of the human body occurs as a part of or in connection with specified sexual activities or where any person providing such treatment, manipulation, or service related thereto, exposes any of his or her specified anatomical areas.

For purposes of this article, "specified sexual activities" is defined as human genitals in a state of stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; and fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts. For purposes of this article, "specified anatomical areas" is defined as the following when less than completely or opaquely covered, human genitals, pubic regions, buttocks, female breast below a point immediately below above the top of the areola, and human male genitals in a discernably turgid state, even if completely covered or opaquely covered.

Agricultural production: The tilling of soil, raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, livestock and fowl keeping and breeding, beekeeping, and the production of natural products with resources primarily derived from the land upon which it is produced. Agricultural accessory uses as specified and allowed in § 50-136 and elsewhere in this article are excluded.

Alley: Any public or private way set-aside for public travel, 20 feet or less in width, which provides a secondary means of vehicular access to abutting lots and not intended for primary access and general traffic circulation.

Amateur radio tower: A structure which is owned and operated by a federally licensed amateur radio station operator, and upon which an antenna is installed for the purpose of transmitting and receiving non-commercial radio signals.

Animal hospital or clinic: A place for the medical treatment and care of animals under direction of a licensed veterinarian and including short-term boarding and pet grooming services as accessory uses.

Assisted living facility: An establishment that provides housing for senior citizens that need assistance with daily activities and personal care, but do not required skilled nursing care offered by a nursing home. May provide a continuum of services depending on the resident's needs and such facility may be located in conjunction with either more independent living housing units and/or skilled nursing or rehabilitation services.

Automotive repair: An establishment where the following services may be carried out: general repairs and maintenance, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, painting and undercoating of automobiles and trucks. Outdoor storage of automotive parts or more than five salvage vehicles shall not be permitted unless they are screened so they are not visible from any street, highway or adjoining property.

Automotive services and parts sales: A place where minor automotive repair and maintenance services are done, including lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, and hand washing and polishing without automatic equipment. Includes also establishments in which the retail sales of components and accessories for automobiles and trucks is the primary activity and installation of parts is an accessory use. Does not include major engine and body repairs or the outside storage of automotive parts and salvage vehicles.

Automotive sales and leasing: A place where new and used automobiles, trucks, vans, motorcycles, or recreational vehicles are displayed for sale or lease, including warranty repair work and other major or minor repair service conducted as an accessory use.

Base flood: A 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. For purposes of this ordinance, 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.

Bed and Breakfast: A dwelling unit occupied by the owner that provides up to five bedroom accommodations for overnight guests rented at a daily rate and where breakfast is typically the only meal served to guests.

Building: A combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words, "part, or parts thereof" unless the context clearly requires a different meaning.

Business or trade school: A specialized instructional establishment that provides training of business, professional, or trade skills and that is typically offered by a private entity. This definition excludes similar instructional services offered by public schools and incidental instructional services in conjunction with another principal use.

Business support services: Services rendered for a fee or by contract to other business establishments, including advertising, mailing, building maintenance, personnel and employment services, management and consulting services, protective services, equipment rental and leasing, copying and printing, office supply, computer services, and other similar services.

Cabin: A small dwelling built and designed for temporary, recreational use as a part of an overnight recreational development.

Campsite: A designated plot of ground within a campground or recreational vehicle park intended for the occupancy of camping tents or recreational vehicles.

Car or truck wash, automated: An establishment in which automatic equipment is employed for the cleaning of motor vehicles and vehicles drive inside a building to be washed. Retail sales of car care products may be an accessory use. A car or truck wash facility that is manually-operated is included in the definition of "automotive services and parts sales."

Catering services: The use of land or building where food and/or beverages are prepared on the premises and delivered to another location for consumption. Does not include catering services that may be provided as an accessory activity by a restaurant or grocery store.

Certificate of Appropriateness: An approval for demolition or relocation issued by the Planning Commission for any officially designated historic landmark or contributing structure in an established historic district.

Children's residential facility: Any facility, child-caring institution, or group home that is state-licensed and maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.

Clinic, Medical: See Office, medical.

Clinic, Methadone or other drug recovery: A medical facility that dispenses controlled substances as permitted by state and federal law to treat drug addiction.

College or university: An educational institution other than a business or trade school that provides post-secondary learning and may include classrooms, auditoriums, athletic facilities, cafeterias, residential dormitories, and other related uses normally found on a college campus.

Commercial vehicle/heavy equipment repair: Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

Communication services: An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording of musical performances, radio or television programs, or motion pictures. Term does not include wireless communication facilities or transmission towers.

Conference or convention center: A facility which is used for conference and seminars by service and professional organizations and business groups and may include overnight accommodations and restaurants primarily for conference attendees.

Construction sales and service: Establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Construction yard: Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's offices and storage yards.

Consumer repair service: Establishment or place of business primarily engaged in the provision of repair services to individuals and households, rather than businesses, but

excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments

Custom manufacturing: Establishments engaged in the indoor production of specialty goods that are sold retail on the premises and are manufactured using only hand tools or mechanical equipment with no noise or odors impacting neighboring properties. Limited to no more than five (5) persons employed in the manufacturing process. Examples include: jewelry or apparel making, furniture refinishing, specialty iron craft, and pottery making limited to only one kiln on-site.

Data or call center: An establishment where electronic data is processed by employees, including data entry, data storage, data compilation or analysis, transaction processing, telephone and Internet sales, or customer service operations. The term does not include general business services or offices associated with retail, wholesale, institutional, or manufacturing activities located on the same site.

Day care center: Any facility which is licensed or approved by the state and operated for the purpose of providing care, protection and guidance to six (6) or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for children or adults, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period and excludes family day care home.

Development: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, temporary structures, the placement of manufactured homes or industrialized building units, paving, utilities, filling, grading, excavation, mining, dredging, drilling, or other land-disturbing activities or permanent or temporary storage of equipment or materials.

Dwelling: Any building or portion thereof which is designed for use for residential purposes, but not including rooming houses, hotels, motels, or other structures designed for transient occupancy.

Dwelling, multiple-family: A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided. The definition includes low and high rise apartments as well as condominium dwellings that may be individually owned.

Dwelling, single-family (detached): A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means

Dwelling, townhouse: A grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls. Also referred to as single-family attached dwellings.

Dwelling, two-family, means a single residential building containing two dwelling units, designed for occupancy by not more than two families each with separate living space and at least one shared common wall.

Dwelling unit: A house or apartment containing cooking, bathroom, and sleeping facilities and constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

Elderly care facility: A properly licensed facility, other than a group home as defined herein, that may provide 24-hour medical care for disabled persons, primarily senior citizens, or may provide personal assistance for daily living, or both of these along with food services, activities, housekeeping assistance, and other support services, and which contains individual rooms or dwelling units within the facility. Definition includes nursing home, assisted living facility, and independent living units, or any combination of these uses.

Equipment sales and rental: An establishment primarily for the sales and rental of tools, lawn and garden equipment, construction equipment, agricultural or similar industrial equipment, including incidental equipment storage and servicing.

Family: One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, as distinguished from a group occupying a rooming or boarding house. A number of persons not exceeding four, living together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

Family day care home: A single-family dwelling in which more than four but less than 13 children, exclusive of the provider's own children and any children who reside in the home, are provided care during only part of a twenty-four-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall also not be counted towards this total. A single-family dwelling in which care is provided to 1 to 4 children (exclusive of the provider's own children, those that reside in the dwelling or are related by blood, legal adoption, or marriage to the person who maintains the home) shall be considered the same as residential occupancy by a single-family.

Farmer's market: An area of land managed by a single operator who leases space or stalls for the outdoor sales of (1) fresh fruit and produce, 2) meat and fish items, 3) plants and flowers, and 4) baked goods, dairy products, and other homemade grocery items. May include arts and craft items incidental to the primary items described above, but not second hand or flea market goods.

Financial institution: Any establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies, such as banks, savings and loans, credit unions, trust companies, investment firms, automatic teller machines, or other lending establishments.

Fine art studio or gallery: A building used for the display and/or sale of artists' work including drawings, paintings, pottery, photography, and other art works, in addition to artists' working space. Definition also includes music and dance studios.

Flea market: A building in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals to sell either new or used articles. Does not include any outside sales or yard sales which are considered temporary uses.

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

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

Funeral home: An establishment engaged in preparation of the deceased for burial, cremation services, and the arranging and managing funerals. A funeral home includes a funeral chapel and conduct of funeral services.

Garden center: An establishment where predominantly tree, shrub, and plant products are sold retail to the public, and which may include greenhouses, in addition to the incidental sale of other associated items such as seeds, bagged soil and mulch, plant containers, garden tools and equipment, and garden and yard décor items.

Gas station: Any building, structure, or area of land used for the retail sale of automotive fuels, oils, and accessories, where repair service, if any, is incidental and where convenience goods such as food, beverages, groceries, and household items may also be sold in addition to gasoline. Shall not include any heavy automotive repairs or storage of any inoperable vehicles.

Greenhouse, commercial: An establishment in which plants are cultivated inside transparent walls and a roof, and offered for sale to the public, either wholesale or at retail. May be part of a garden center operation. Does not include a greenhouse for private use only which could be an accessory use to residential use.

Group Home: A residential facility in which no more than eight (8) individuals that are aged, infirm, or disabled reside, including individuals with mental illness, intellectual disability, or developmentally disabilities, along with one or more resident or nonresident staff persons providing care for the residents. For the purposes of this section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in VA Code § 54.1-3401. For purposes of this section, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services or the Department of Social Services is the licensing authority pursuant to this Code. Reference VA Code § 15.2-2291.

Health club or fitness center: A facility where individuals use equipment and space for physical exercise and may include exercise equipment, weight lifting activities, facilities for running, walking, and playing sports, locker rooms, saunas, and massage rooms. Does not include indoor sports and recreation facilities or places of employment or hotels that include similar spaces for employees or guests as accessory uses.

Height of building: The vertical distance from the finished grade at the front entrance of the building to the highest point of the building with exceptions as provided for in §50-62.

Home occupation: An occupation for gain or support, whether fulltime or part-time, that is conducted in the home, is incidental to the use of the building as a dwelling, and is subject to the provisions in §50-133.

Hospital: A facility providing medical care to sick or injured persons primarily for in-patient overnight accommodations, but could also include separate outpatient surgery facilities, and including related facilities such as laboratories, training facilities, service facilities, and staff offices which are all considered integral parts of the facility. This term does not include nursing home, assisted living facility, or medical clinic.

Hotel: A building containing one or more guest rooms for overnight guests with ancillary facilities such as restaurant, meeting rooms, and recreation facilities for guests. Includes motels, inns, and lodges, but not bed and breakfast establishments as defined.

Indoor amusement or entertainment facility: A building or buildings primarily used for the provision of entertainment or games to the general public involving, but not limited to, theatrical or music performances, movie showing, billiards, table games, bingo, electronic games, escape rooms, and casino gambling if permitted by state law. Does not include churches or other non-profit organizations who hold periodic events such as bingo for fundraising or special events.

Indoor sports and recreation facility. A building or buildings used for any single or a combination of active recreational activities such as bowling, ice skating, roller skating, archery, water sports, miniature golf, and ball sports such as basketball, volleyball, tennis, and racquetball. The facility may include food service, retail sales of sports and fitness items, and other support facilities related to the principal uses, including limited outside activities such as a playground or picnic area. A facility with only health and fitness equipment and activity is defined as a "health club or fitness center."

Industrialized Building. A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC § 5401 et seq.) shall not be considered industrialized buildings for the purpose of this law, and nor shall mobile homes as defined in this Division.

Interstate advertising corridor. An area measured as 1,000 linear feet from the right of way of Interstate 81 and Interstate 381, including entrance and exit ramps.

Kennel or animal shelter. Any lot, building, structure, enclosure or premises where breeding, boarding, training, selling, or donation of animals is conducted.

Laboratory. An establishment whose principal purpose is the testing, research, compounding and/or packaging of scientific products, which may include light manufacturing.

Laundry: Establishments primarily engaged in the provision of commercial laundering, cleaning or dyeing services. Drop-off stations for dry cleaning and laundromats are classified as personal services.

Lot: A piece, parcel, or plot of land which may consist of one or more platted lots in one ownership, occupied or intended to be occupied by one principal building and its accessory buildings including the open space required under this article.

Lot, corner: A lot fronting on two intersecting streets or adjoining a curbed street at the end of a block.

Lot, double frontage: A lot extending the entire width of the block and having street frontage on both the front and rear lot lines.

Lot of record: A parcel of land the boundaries of which are filed as a legal record.

Lot width: The horizontal distance between the side property lines of a lot measured at the point of the minimum front setback from the street right-of-way. If the street line curves or angles, the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the curve or angle setback line.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis; is designed for use with or without a permanent foundation when connected to required utilities; and meets the 1976 Federal Manufactured Home Construction and Safety Standards (HUD Code). The term does not include modular homes or recreational vehicles, however for purposes of floodplain management regulations contained in Division 8, the term does include travel trailers and other similar recreational vehicles placed on a site for greater than 180 consecutive days.

Micro-brewery: An establishment primarily engaged in the production and packaging of ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 15,000 barrels per year. Micro-brewery may include a restaurant or public tasting room.

Mini-warehouse: A building or group of buildings designed to provide self-service rental storage space in separate compartments enclosed by walls and ceiling and each unit having an individual entrance for the loading and unloading of stored goods. The conduct of sales, business, or any other activity other than storage in the building or buildings shall be prohibited.

Mixed-use structure: A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed use structure should not be confused with a mix of uses each in separate structures in a single development.

Mobile food vending unit: A trailer, vehicle, pushcart, or stand (either motorized or non-motorized) subject to Virginia Department of Health regulations and designed to be portable, not permanently attached to the ground and to utilities, and from which only prepared food or beverages are displayed, offered for sale, sold, or given away. This definition excludes mobile food vendors for city-authorized special events or special events by church or non-profit organizations of no more than three (3) days in duration.

Mobile home: A structure, transportable in one or more sections, which is built on a permanent chassis; is designed for use with or without a permanent foundation when

connected to required utilities; and was produced prior to June 15, 1976 and does not meet the 1976 Federal Manufactured Home Construction and Safety Standards (HUD Code).

Modular home: A dwelling unit primarily manufactured off-site in accordance with the Virginia Uniform Statewide Building Code standards and transported to the building site for final assembly on a permanent foundation.

Museum: An establishment for preserving and exhibiting historical, cultural, scientific, natural or man-made objects of interest, and may include retail sales associated with the principal use as well as associated meeting space, performance area, and offices.

New construction: Structures for which the start of construction commenced on or after the effective date of this ordinance and includes any subsequent improvement to such structures.

Non-conforming lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Non-conforming structure: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage, density, or other area regulations of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Non-conforming use: A use or activity which was legal when originally established, but that fails to conform to the current use regulations and standards of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nursery: Any land used to cultivate, harvest, and sell trees, shrubs, flowers, and other plants and related accessory sales.

Nursing home: A facility licensed by the state providing bed care and in-patient services for persons requiring 24-hour skilled medical care, but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

Off-street parking space: The area that is required for the parking of one vehicle and located with access to a public street or alley, but not including any street right-of-way.

Office, general: An establishment in which the primary use is the conduct of a business or profession such as, but not limited to accounting, tax preparation, lenders and securities brokers, architecture, engineering, computer software, information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, real estate and travel. Retail sales do not comprise more than an accessory use of the office space. This definition does not include medical office as defined by this chapter, and does not include general business services or offices

associated with retail, wholesale, institutional, or manufacturing activities located on the same site.

Office, medical. A facility operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia that provides examination, medical treatment, and minor surgical care on a routine outpatient care basis, but does not provide overnight care. Definition includes a medical clinic that serves primarily emergency medical needs, but does not provide methadone or other controlled substance substitution programs.

Outdoor entertainment facility: A commercial facility for predominantly spectator uses conducted in open or partially enclosed or screened facilities such as sports arenas; amusement parks; or amphitheaters or other venues for live performances, excluding outdoor entertainment conducted as a part of a restaurant or micro-brewery.

Outdoor sports and recreation facility: A commercial facility for recreational activities conducted in open or partially enclosed or screened facilities, such as golf course, miniature golf course, swimming pool, tennis courts, motorized cart or motorcycle tracks, firing ranges, and water parks. Does not include community or municipal parks and playgrounds.

Overnight recreational development: An area that is occupied or intended for temporary occupancy in recreational vehicles, tents, yurts, or recreational cabins, and is governed by an overall site development plan. The terms "campground," "RV park," and "overnight cabin development" are all considered overnight recreational developments.

Pawn shop: A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

Personal services: Establishments or places of business engaged in the provision of frequently needed services of a personal nature serving individuals and households. Typical uses include barbershops, cosmetology and nail care salons, and esthetics spas licensed by the state in addition to schools for these services; tanning salons; shoe or garment repair businesses; laundromats and dry cleaning pick-up stations (not dry cleaning on-site); massage therapy licensed by the state; and pet grooming services.

Plant production, indoor: An establishment that cultivates plants for commercial use with all production activities completely inside a building using methods such as hydroponics and artificial lights, and distinguished from a greenhouse which has transparent walls and roof.

Portable storage containers: a transportable unit designed and used for the temporary storage of materials or furnishings associated with construction, renovation, or relocation activity on the property where the container is placed. This definition excludes the following: 1) the use of storage containers for a consecutive ten (10)-day period or less for loading and unloading furnishings; 2) commercial refuse containers which are regulated in Section 40-72 of City Code, and 3) temporary office units associated with construction activity on the same site.

Principal building, use, or structure: The main use of a lot, or the building or structure in or on which the main use of the lot takes place.

Print shop: An establishment in which the principal business consists of duplicating and printing services provided to individual customers or organizations using photocopying, blueprint, or offset printing equipment, including publishing, engraving, and binding.

Private school: A school serving students who are within the range of kindergarten through grade 12 and operated by a private organization whether for-profit or non-profit.

Publication printing facility: A high volume productions facility that makes printed products for commercial customers such as newspapers, books, or magazines.

Recreational vehicle (or RV): A mobile unit primarily designed as temporary living quarters for recreational or camping use whether independently mobile or pulled by another vehicle. For purposes of floodplain management as regulated in Division 8, a recreational vehicle is further defined as being 400 square feet or less when measured at the largest horizontal projection; is built on a single chassis; and is designed to be self-propelled or permanently towable by a light duty truck.

Recycling facility: A building or enclosed space for the collection, sorting, and processing of recyclable materials prior to shipment to other end-users, including associated equipment and storage area screened from public view. Does not include a temporary or permanent drop-off station for materials such as paper, cardboard, glass, metal, and plastic, and intended for residential and consumer use.

Research and development center: A business that engages in research and development of technology-driven products and services, including scientific, industrial, electronic, medical, or educational products. Development and construction of prototypes may be associated with this use, but not manufacturing of products.

Restaurant, fast food with or without drive-through: An eating and drinking establishment that has very high turnover of customers and generates far more traffic per square foot of floor area than any other type of restaurant and generally serves food in disposable containers.

Restaurant, general: An establishment engaged in the preparation of food and beverages characterized primarily by table service to customers in non-disposable containers. May offer curbside pick-up or drive-through as an ancillary or temporary function.

Salvage or scrap service: Any parcel of land or building in which the primary use is that of waste or scrap materials being stored, bought, sold, exchanged, packaged, or disassembled; and in which materials must be screened from public view.

Sawmill: An operation being either permanent or temporary that converts logs to lumber products regardless of whether the timber comes from on-site or off-site.

Setback: The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Shooting range, indoor: A building designed or used for shooting of targets with firearms for the practice of marksmanship by the general public or gun clubs, but excluding authorized stores selling firearms where a shooting range may be an accessory use and facilities operated by law enforcement agencies for employee training.

Sign: Any device or visual communicator that is used for the purpose of bringing the subject to the attention of the public and which is visible to the public right-of-way or to other properties.

Sign area: The area of any sign is measured by finding the area of the minimum imaginary or actual rectangle or square which fully encloses all words, copy or message or the extremities of one side of the sign, exclusive of its supports. In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face.

Sign, Abandoned: Any sign that no longer displays information of any kind or displays information about a business or activity that has ceased to exist.

Sign, Canopy: A sign painted on or attached flat against an awning or canopy that does not extend beyond the extremities of the surface to which it is attached. A canopy or awning sign is considered a type of wall sign for purposes of this division.

Sign, Electronic message center: An electrically activated changeable sign whose variable message and/or graphic presentation capability can be programmed remotely.

Sign, Ground-mounted: A permanent, free-standing sign not attached to a building or structure in which the entire bottom of the sign, including a foundation for the sign, is affixed to the ground (known as a monument sign) OR in which the sign is supported by one or more posts anchored in the ground with no more than six (6) feet clearance from the bottom of the sign to the ground below (known as a post or pedestal sign).

Sign, Home occupation: A sign advertising services available on residential premises upon which the sign is located and which is authorized under Section 50-147 and meeting regulations therein.

Sign, Incidental: A wall or freestanding sign not exceeding four (4) square feet in size and three (3) feet in height if freestanding. Examples include: on-premises directional signs, building address signs, office nameplates, residence signs, no trespassing and other security-related signage, or signage on gas pumps. Freestanding incidental signs must be placed far enough from any street right-of-way to avoid a sight distance problem. Incidental signs cannot be off-premises signs.

Sign, Multi-tenant: A permanent, free-standing sign serving one commercial site or development, and designed to accommodate two or more sign panels for multiple tenants.

Sign, Non-conforming Any sign, the area, dimensions or location of which were lawful at the time the sign was erected, but which fail to conform to the current standards and regulations due to the adoption, revision or amendment of this division.

Sign, Off-premises: Any sign that directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected, such as a billboard sign.

Sign, Pole: A permanent, free-standing sign elevated above the ground by one or more upright poles, columns, braces, or other structure and not attached to any building or structure with the bottom of the sign being over six feet above the adjacent ground.

Sign, Projecting: A sign attached to a building, approximately perpendicular to the building wall.

Sign, Public way-finding: A sign that is part of a system of directional or location markers sponsored by a government entity or non-profit organization, if approved by the city, for the purpose of directing pedestrian or vehicular traffic to public or commercial attractions, historic areas, or community facilities.

Sign, Suspended: Any sign suspended from the underside of a walkway covering, canopy, or awning.

Sign, Temporary: A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Types of temporary signs are defined below:

Sign, Activity: A temporary sign that is on the site of an activity or event which is only temporary in nature, such as construction project or new development announcement.

Sign, A-frame: A temporary sign that is used at a place of business to provide information to pedestrians and slow moving vehicles. The sign may be one or two sided. Also known as a sandwich board sign.

Sign, Banner: A temporary sign made of material such as fabric, flexible plastic, or canvas that can be easily folded or rolled, but not including paper or cardboard. Types of banners are wall banners which are affixed flat against a building wall; a free-standing banner which is secured to metal posts in the ground, and a vertical flag banner sign which is properly secured in the ground.

Sign, Non-commercial message: A temporary sign that does not direct attention to any business, commodity, service, entertainment, product, or attraction, and is of a political, religious, or ideological nature.

Sign, Notice of property for sale or lease: A temporary sign that is displayed on property that is for sale or lease for the purposes of advertising said property.

Sign, Portable: A temporary sign that is designed with wheels to be transported by vehicle, but does not include signs attached to or painted on properly registered and operable vehicles.

Sign, Yard: A temporary sign that is made out of cardboard or foam board attached to a metal or plastic frame.

Sign, Wall: A sign which is painted on or attached directly to the surface of a building wall, an awning, or a fence. For purposes of this division, a wall sign can also be a suspended sign, projecting sign, or a roof sign attached to a building.

Small equipment repair: An establishment that is involved with the maintenance and repair of low-power internal combustion or electric engines or other related equipment. This includes, but is not limited to, chain saws, weed eaters, leaf blowers, snow blowers, and lawn mowers. Repair of household items like appliances are defined under consumer repair services.

Solid waste facility: A licensed facility designed and used for the disposal of garbage, debris, and other unwanted or discarded items; and may include recycling operations.

Storage, Vehicle and equipment: A principal use of property for the keeping of operable vehicles and equipment, including boats and recreational vehicles, but excluding temporary storage of equipment on active construction sites.

Store, general retail: Establishments that carry a variety of retail sale items and can be large in size, generally 10,000 square feet in size or larger, such as, but not limited to, discount stores, grocery stores, department stores, drug stores, and household goods stores.

Store, neighborhood: An retail establishment generally less than 5,000 square feet that sells a variety of groceries, prepackaged food, beverages, tobacco, household items, and prepared food items, but not automobile fuel which would be defined under "gas station."

Store, specialty: A retail store usually small in size (less than 10,000 square feet) that offers for sale items related to a specific theme such as, but not limited to, apparel, jewelry, books, shoes, stationery, gifts, specialty foods and beverages, antiques, artwork, and floral arrangements.

Street banner: Any sign suspended on or from a staff, pole, wire, frame or similar support extending across the width of a street, highway or alley. This type of sign is a temporary sign used for the advertisement of community events; must be authorized by the city manager; and is subject to city policy and any established fees.

Structure: For floodplain management purposes relevant to Division 8 of this ordinance, a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Tattoo shop or body piercing salon: Any place, property licensed by the state, in which a fee is charged for the act of tattooing the skin or penetrating the skin of a person to make a hole, mark or scar, generally permanent in nature. Also includes a place or

establishment properly licensed to accept and train students in tattooing and/or body piercing.

Temporary Family Health Care Structure: a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code. Reference VA Code § 15.2-2292.1.

Temporary Seasonal Sales: Outside sales or distribution of agricultural or horticultural products that are seasonal in nature, including agricultural products, bedding plants, and Christmas trees; but excluding outside sales activity that is conducted on a site with an existing permitted retail operation and that is conducted by the on-site tenant or property owner and is clearly incidental to the primary use of the property. This definition excludes yard sales conducted by property owners or residents on their own premises as long as they are limited to no more than three (3) days in duration and no more than two (2) yard sales on the same property per calendar year. The definition also excludes temporary outdoor sales conducted by church or non-profit organizations of no more than three (3) days in duration.

Temporary Use Permit: A permit authorized by the city to allow a property owner or tenant to conduct a temporary use at a specific location in compliance with this article. Temporary uses on city-owned property are subject to established city policies and procedures.

Terminal, passenger: A building primarily for loading and unloading of passengers traveling by bus or rail transportation.

Terminal, truck: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck and including mail and package distribution facilities.

Transitional housing: Temporary housing for certain segments of the homeless population established for the purpose of transitioning residents into permanent, affordable housing. It is not in an emergency homeless shelter, but usually involves rooms or apartments in a residence with support services available on-site and a required length of occupancy for the residents.

Utilities, Major: Public or privately-owned and operated facility or infrastructure that generally serves a community-wide need and may have on-site personnel, such as electric-generating plants and substations, wastewater treatment plant, water treatment plant, water tank, free-standing telecommunications facility, and solar farms.

Utilities, Minor: Public or private infrastructure generally serving a limited area and having no on-site personnel, including lift stations, storm water facilities, electric distribution system appurtenances, telecommunications boxes, water and wastewater pump stations. Also includes on-site solar energy panels as accessory use to a principal structure.

Warehouse: A building used for storage of goods for transfer and delivery to other locations and in which sales of merchandise to customers is not conducted on-site. Includes the term distribution facility and may include office functions.

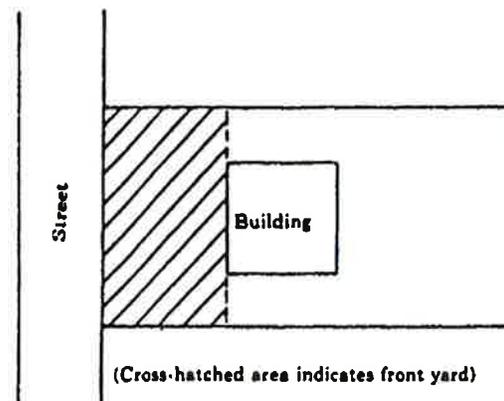
Wholesale business: An establishment that sells merchandise at wholesale on-site or delivered to customers off-site with such merchandise stored inside a building where sales and or office personnel are located. For purposes of this article, wholesale businesses in B-3 districts shall not include outside storage of products; chemical or fuel storage establishments; or products that have an odor that is evident outside the building.

Winery: A winery use is a facility licensed in accordance with §4.1-207 VA Code Ann. and regulations of the Board of Alcoholic Beverage Control to manufacture wine and to sell, and deliver or ship such wine in closed containers for the purpose of resale outside the state or by persons licensed by the state to sell the wine at wholesale.

Wireless communications facility: Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services; and including towers and/or antennas. A communications tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio towers, which are described separately. The terms “telecommunications facility” and “communications facility” are synonymous. Depending on size and appearance, it can be either a major utility or a minor utility, as regulated in Division 12.

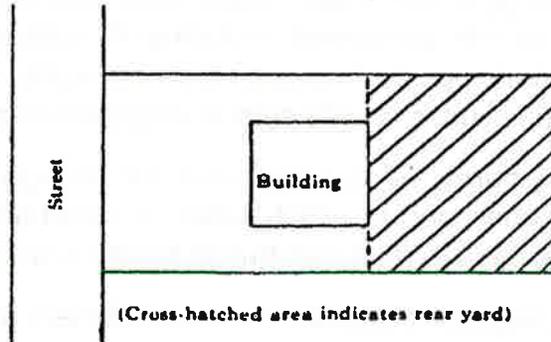
Yard: An open space on the same lot with the principal building, open, unoccupied, and unobstructed by buildings from ground to sky, unless otherwise provided in this article.

Yard, Front: An open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the front lot line and the nearest part of the principal building or structure.



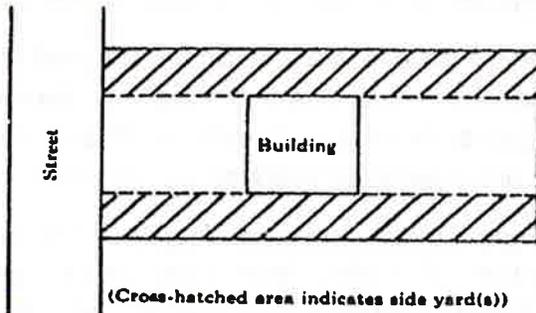
Yard, Front

Yard, Rear: Any open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the rear lot line and the nearest part of the principal building or structure.



Yard, Rear

Yard, Side: An open, unoccupied space on the same lot as the principal building, bounded by the side or common property line and a line parallel thereto, extending from the front lot line to the rear lot line, the distance between such parallel lines being the established side yard setback distance for that particular district in which the lot is situated.



Yard, Side

Sec. 50- 243 through 50-265 Reserved

<i>Zoning District</i>	R-1A, Single Family Residential	R-1, Single Family Residential	R-2, Single and Two Family Residential	R-3, Moderate Density Residential	R-4, High Density Residential	GCR Golf Course Residential
<i>P = Permitted "By Right" Use</i> <i>S = Special Use as regulated in Division 14</i>						
Use Types – See Definitions in Division 18						
Residential						
Single-family dwelling	P	P	P	P	P	P
Two-family dwelling			P	P	P	
Townhouse dwelling as regulated in §50-118			P	P	P	P
Multi-family dwelling (Moderate density, see Sec. 50-41)				P	P	
Multi-family dwelling (High density, see Sec. 50-41)					P	
Home occupations as regulated in §50-133	P	P	P	P	P	
Family day care home		P	P	P	P	
Group home	P	P	P	P	P	P
Accessory dwelling as regulated in §50-134 (f)		S	P	P		
Bed-and-Breakfast			S	S		
Assisted living facility				S	S	
Children's residential facility				S	S	
Temporary family health care structure	P	P	P	P	P	P
Accessory uses as regulated in §50-134	P	P	P	P	P	P
Gardening	P	P	P	P	P	P
Agricultural uses, as regulated in §50-136	P	P	P			
Transitional housing				S	S	
Community or Civic Uses						
Cemetery	P	P	P	P	P	P
Community Gardens	P	P	P	P	P	P
Public park or playground	P	P	P	P	P	P

Zoning District	R-1A, Single Family Residential	R-1, Single Family Residential	R-2, Single and Two Family Residential	R-3, Moderate Density Residential	R-4, High Density Residential	GCR, Golf Course Residential
<i>P = Permitted "by right" use</i>						
<i>S = Special Use as regulated in Division 14</i>						
Use Types, continued						
Utilities, minor	P	P	P	P	P	P
Municipal, state, federal uses, including public schools	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P
Day care center	S	S	S	P	P	
Community center	S	S	S	P	P	
Private school	S	S	S	S	S	

<i>Zoning District</i>	B-1 Neighborhood Business	B-2 Central Business (Downtown)	B-3 General Business	O-I Office Institutional	M-1 Light Industrial	M-2 General Industrial	A Agricultural
Use Types – See Definitions in Div. 18							
Commercial							
Adult establishment					S	S	
Agricultural production							P
Animal hospital or clinic			P	P	P	P	
Art studio or gallery	P	P	P	P			
Automotive sales and leasing	S		P		P	S	
Automotive services and parts sales	S		P		P	P	
Automotive repair service			P		P	P	
Bed-and-breakfast	S	P	P				S
Business or trade school		P	P	P	P	S	
Business support service	P	P	P	P	P	S	
Car and/or truck wash			P		P	P	
Catering services		P	P		P	S	
Clinic, Methadone or other controlled substance substitution				S			
College or university		P	P	P			
Commercial vehicle/heavy equipment repair			P		P	P	
Communication services		P	P				
Construction sales and service			P		P	P	
Construction yard			S		P	P	
Consumer repair service	S		P		P	P	
Custom manufacturing	S	P	P		P	P	

P = Permitted "By Right" Use
S = Special Use as regulated in Division 14

Zoning District	B-1 Neighborhood Shopping	B-2 Central Business (Downtown)	B-3 General Business	O-I Office Institutional	M-1 Light Industrial	M-2 General Industrial	A Agricultural
<i>P= Permitted "By Right" Use</i>							
<i>S = Special Use as regulated in Division 14</i>							
Dance or music studio	P	P	P	P	P	P	
Data or call center		P	P	P	P	P	
Day care center	P	P	P	P	S	S	
Equipment sales and rental			P		P	P	
Family day care home	P	P	P	P	S		
Farmer's market		P	P				S
Financial institution	P	P	P	P	P	P	
Flea market			P		P		
Funeral home			P				
Garden center	S		P				
Gas station	S		P		P	P	
Greenhouse, commercial	S		P		P	P	P
Health club or fitness center	P	P	P	P	P		
Hospital			P	P			
Hotel		P	P				
Indoor amusement or entertainment facility			P		P	S	
Indoor sports and recreation facility		P	P		P	S	
Kennel or Animal Shelter (no outside kennels)			P		P	P	P
Kennel or Animal Shelter (outside kennels)							P
Laundry	P		P		P	P	

NON-RESIDENTIAL DISTRICTS – LAND USES

Zoning Ordinance Draft City of Bristol, VA 06-15-2020

APPENDIX B

Zoning District	B-1 Neighborhood Shopping	B-2 Central Business (Downtown)	B-3 General Business	O-I Office Institutional	M-1 Light Industrial	M-2 General Industrial	A Agricultural
<i>P= Permitted "By Right" Use</i>							
<i>S = Special Use as regulated in Division 14</i>							
Micro-Brewery		P	P		P	S	
Mini-warehouse/mini-storage			P		P	P	
Nursing home or assisted living facility			P	P			
Office, general	P	P	P	P	P		
Office, medical (or clinic)	P	P	P	P	P	S	
Outdoor entertainment facility			S		P	S	
Outdoor sports and recreation facility			S		P	S	
Pawn Shop	S	P	P		S		
Personal services	P	P	P	P	P	S	
Print shop	P	P	P				
Restaurant, fast food			P		P	S	
Restaurant, general	P	P	P				
Shooting range, indoor					P	P	
Small Equipment Repair	S		P		P	P	
Store, General retail		P	P				
Store, Liquor			P				
Store, Neighborhood convenience	P	P	P				
Store, Speciality	P	P	P				
Tattoo Shop and/or Body Piercing Salon			P				
Wholesale business			P		P	P	
Winery							P

NON-RESIDENTIAL DISTRICTS – LAND USES

Zoning Ordinance Draft City of Bristol, VA 06-15-2020

APPENDIX B

Zoning District	B-1 Neighborhood Shopping	B-2 Central Business (Downtown)	B-3 General Business	O-I Office Institutional	M-1 Light Industrial	M-2 General Industrial	A Agricultural
Industrial							
Asphalt or cement production						P	
Chemical manufacturing and processing						P	
Food and beverage production, processing, packaging, or bottling					P	P	
Foundry						P	
Laboratory for products testing and research			S	S	P	P	
Manufacture, processing, or storage of animal feed					S	P	
Manufacture of concrete, aggregate, stone, tile, or other similar building products					S	P	
Manufacture of plastic or fiberglass products					P	P	
Manufacture or assembly of equipment, instruments, appliances,, and other electrical items					P	P	
Manufacture of pharmaceutical products					P	P	

*P= Permitted "By Right" Use
S = Special Use as regulated in Division 14*

NON-RESIDENTIAL DISTRICTS – LAND USES

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<i>P= Permitted "By Right" Use S = Special Use as regulated in Division 14</i>							
Manufacture of products made from paper or cardboard					P	P	
Manufacture of wood products -- no outside storage					P	P	
Manufacture of wood products with outside storage					S	P	
Metalworking including fabrication and welding					P	P	
Processing and storage of fertilizer products						P	
Publication printing facility					P	P	
Recycling facility					P	P	
Research and development center			P	P	P	P	
Salvage and scrap service						S	
Sawmill						P	S
Solid waste facility						S	
Textile or apparel manufacturing, including upholstery manufacture and assembly					P	P	
Truck terminal					P	P	
Vehicle and equipment storage					P	P	
Warehouse					P	P	

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Miscellaneous							
Accessory uses, as per Section 50-134	P	P	P	P	P	P	P
Amateur radio tower	P	P	P	P	P	P	P
Cemetery							P
Children's residential facility				P			
Church or place of worship	P	P	P	P			P
Civic, social, or fraternal club meeting facility		P	P		P	P	
Community or Public Building	P	P	P	P			P
Conference or Convention Center		P	P				
Dwelling, Multi-family, as per §50-135		P	S	S			
Dwelling, Single or Two-Family, as per §50-135	P	P	P				P
Group Home as defined in Div. 18				P			
Home Occupation as regulated in §50-133							P
Museum		P	P	P			
Overnight recreational development			P				P
Park and/or playground	P	P	P	P			P
Parking garage or parking lot as principal use		P	P	P	P	P	
Passenger terminal		P	P				
Private school		P	P	P			
Utilities, major			S	S	S	S	S
Utilities, minor	P	P	P	P	P	P	P