

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

### **Sec. 30-404.1. Permitted principal uses.**

Any principal use permitted in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-2 single-family residential district.

### **Sec. 30-404.2. Permitted accessory uses and structures.**

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-2 single-family residential district.

### **Sec. 30-404.4. Lot area and width.**

Single-family dwellings in the R-2 single-family residential district shall be located on lots of not less than 15,000 square feet in area with a width of not less than 90 feet (see article VI, division 3, of this chapter).

### **Sec. 30-404.5. Yards.**

Yard regulations in the R-2 single-family residential district shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 30 feet (see article VI, division 4, of this chapter).
- (2) *Side yards.* There shall be side yards not less than nine feet in width (see article VI, division 4, of this chapter).
- (3) *Rear yard.* There shall be a rear yard with a depth of not less than nine feet (see article VI, division 4, of this chapter).

### **Sec. 30-404.6. Lot coverage.**

Maximum lot coverage in the R-2 single-family residential district shall not exceed 25 percent of the area of the lot.

### **Sec. 30-404.7. Height.**

No building or structure in the R-2 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

## DIVISION 5. R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

### **Sec. 30-408.1. Permitted principal uses.**

Any principal use in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-4 single-family residential district.

### **Sec. 30-408.2. Permitted accessory uses and structures.**

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-4 single-family residential district.

### **Sec. 30-408.4. Lot area and width.**

Single-family dwellings in the R-4 single-family residential district shall be located on lots of not less than 7,500 square feet in area with a width of not less than 60 feet (see article VI, division 3, of this chapter).

### **Sec. 30-408.5. Yards.**

Yard regulations in the R-4 single-family residential district shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).
- (2) *Side yards.* There shall be side yards of not less than six feet in width (see article VI, division 4, of this chapter).
- (3) *Rear yard.* There shall be a rear yard with a depth of not less than six feet (see article VI, division 4, of this chapter).

### **Sec. 30-408.6. Lot coverage.**

Maximum lot coverage in the R-4 single-family residential district shall not exceed 30 percent of the area of the lot.

### **Sec. 30-408.7. Height.**

No building or structure in the R-4 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

## DIVISION 6. R-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

### **Sec. 30-410.1. Permitted principal uses.**

Any principal use permitted in the R-1 district as set forth in section 30-402.1 shall be permitted in the R-5 single-family residential district.

### **Sec. 30-410.2. Permitted accessory uses and structures.**

Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2 shall be permitted in the R-5 single-family residential district.

### **Sec. 30-410.4. Lot area and width.**

Single-family dwellings in the R-5 single-family residential district shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

### **Sec. 30-410.5. Yards.**

Yard regulations in the R-5 single-family residential district shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 25 feet (see article VI, division 4, of this chapter).
- (2) *Side yards.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).
- (3) *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter).

### **Sec. 30-410.6. Lot coverage.**

Maximum lot coverage in the R-5 single-family residential district shall not exceed 35 percent of the area of the lot.

### **Sec. 30-410.7. Height.**

No building or structure in the R-5 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

## **DIVISION 7. R-6 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT**

### **Sec. 30-412.1. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the R-6 district:

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family detached dwellings;
- (4) Two-family attached dwellings lawfully existing prior to the effective date of this section.

(Code 1993, § 32-412.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

### **Sec. 30-412.2. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-6 single-family attached residential district (see article VI, division 9, of this chapter):

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:
  - a. The single-family dwelling shall not contain any accessory lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. The lot shall meet the lot area requirement for a two-family dwelling;
  - d. One off-street parking space shall be provided for the additional dwelling unit; and
  - e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

#### **Sec. 30-412.4. Lot area and width; density; unit width.**

Lot area and width regulations in the R-6 single-family attached residential district shall be as follows:

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 5,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

(2) *Single-family attached dwellings.* Density, lot area and unit width for single-family attached dwellings shall be as follows:

a. *Density.* The average density within a development site shall not exceed ten dwelling units per acre (see the definition of the term “dwelling, multifamily” in section 30-1220).

b. *Lot area.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area, provided that such area may be reduced when an area equivalent to such reduction is provided in common ownership elsewhere on the development site and is accessible to residents of the lots so reduced in area and is available for their use. Each lot reduced to less than 2,200 square feet in area shall be provided with a private yard adjoining the dwelling unit and containing not less than 500 square feet of usable open space.

c. *Unit width.* No individual attached dwelling unit shall be less than 16 feet in width, provided that the average width of all units attached within a series shall be not less than 20 feet.

(3) *Two-family attached and detached dwellings.* Two-family attached and detached dwellings shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

#### **Sec. 30-412.5. Yards.**

Yard regulations in the R-6 single-family attached residential district shall be as follows:

(1) *Uses other than attached dwellings.* Yards for uses other than attached dwellings shall be as follows:

a. *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

b. *Side yards.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).

c. *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter and section 30-680.1).

(2) *Single-family and two-family attached dwellings and buildings accessory thereto.* Yards for single-family and two-family attached dwellings and buildings accessory thereto shall be as follows:

a. *Front yard.* There shall be a front yard with a depth of not less than 15 feet adjacent to public streets, private streets, parking areas and common spaces (see article VI, division 4, of this chapter).

b. *Side yard.* There shall be side yards of not less than three feet in width except where buildings are attached. There shall be a side yard of not less than ten feet in width at each end of a series of attached units (see section 30-620.1(d) and article VI, division 4, of this chapter).

c. *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter and section 30-680.1).

(Code 1993, § 32-412.5; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

### **Sec. 30-412.6. Lot coverage.**

Lot coverage in the R-6 single-family attached residential district shall not exceed 55 percent of the area of the lot.

### **Sec. 30-412.7. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(Code 1993, § 32-412.7; Ord. No. 2010-18-30, § 1, 2-22-2010)

[**Editor's Note:** Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-412.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-412.7.]

### **Sec. 30-412.8. Height.**

No building or structure in the R-6 single-family attached residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter and section 30-680.1).

## **DIVISION 7.1. R-7 SINGLE- AND TWO-FAMILY URBAN RESIDENTIAL DISTRICT**

### **Sec. 30-413.1. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the R-7 single- and two-family urban residential district is to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city. The district regulations are designed to reflect the urban nature of such neighborhoods as characterized by a mixture of detached and attached single- and two-family dwellings situated on small lots with narrow yards and modest setbacks. The district regulations, together with the supplemental regulations of this chapter, are intended to encourage continued improvement and efficient use of existing residential buildings and their accessory structures, while ensuring that infill development will be compatible with the established character.

### **Sec. 30-413.2. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the R-7 district:

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on the effective date of the ordinance;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family detached dwellings;
- (4) Two-family attached dwellings lawfully existing prior to the effective date of this section.

(Code 1993, § 32-413.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

### **Sec. 30-413.3. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-7 single- and two-family urban residential district (see article VI, division 9, of this chapter):

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:
  - a. The single-family dwelling shall not contain any accessory lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. The lot shall meet the lot area requirement for a two-family dwelling;
  - d. One off-street parking space shall be provided for the additional dwelling unit; and
  - e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

### **Sec. 30-413.5. Lot area and lot width.**

Lot area and lot width regulations in the R-7 single- and two-family urban residential district shall be as follows (see article VI, division 3, of this chapter):

- (1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,600 square feet in area with a width of not less than 30 feet.
- (2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than 18 feet, except that the width of any lot at the end of a series of attached units shall be not less than 21 feet.
- (3) *Two-family detached dwellings.* Two-family detached dwellings shall be located on lots of not less than 4,400 square feet in area with a width of not less than 42 feet.
- (4) *Two-family attached dwellings.* Two-family attached dwellings shall be located on lots of not less than 4,400 square feet in area with a width of not less than 36 feet.

### **Sec. 30-413.6. Yards.**

Yard regulations in the R-7 single- and two-family urban residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side yards.* Side yards shall be provided as follows:

a. *Dwelling uses and buildings accessory thereto.* There shall be side yards of not less than three feet in width except where buildings are attached (see article VI, division 4, of this chapter).

b. *All other uses and buildings.* There shall be side yards of not less than five feet in width (see article VI, division 4, of this chapter).

(3) *Rear yard.* There shall be a rear yard with a depth of not less than five feet (see article VI, division 4, of this chapter and section 30-680.1).

### **Sec. 30-413.7. Lot coverage.**

Lot coverage in an R-7 single- and two-family urban residential district shall not exceed 55 percent of the area of the lot.

### **Sec. 30-413.8. Driveways from streets.**

No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(Code 1993, § 32-413.8; Ord. No. 2010-18-30, § 2, 2-22-2010)

[**Editor's Note:** Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-413.8, which pertained to additional provisions for attached dwellings and derived from Code 1993, § 32-413.8.]

### **Sec. 30-413.9. Height.**

No building or structure in an R-7 single- and two-family urban residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter and section 30-680.1).

## DIVISION 10. R-53 MULTIFAMILY RESIDENTIAL DISTRICT

### Sec. 30-418.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-53 district:

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1;
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments;
  - b. Architectural variations shall be provided among units within any series of more than four units;
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings;
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter;
- (5) Day nurseries, provided that:
  - a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard;
  - b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard;
  - c. No play equipment or structure shall be located within a front yard or a required side yard;
- (6) Tourist homes situated on federal highways;
- (7) Parking areas serving uses permitted in this district, provided that any card reader or other access control device at an entrance to a parking area shall be provided with not less than one stacking space situated off the public right-of-way;
- (8) Adult day care facilities.

(Code 1993, § 32-418.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

### **Sec. 30-418.2. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-53 multifamily residential district (see article VI, division 9, of this chapter):

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family, two-family or multifamily dwelling, provided that:
  - a. The main building shall not contain any lodging units;
  - b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code;
  - c. Lot area requirements shall be met for the total number of dwelling units in the main building and the accessory building as though all units were contained in the main building;
  - d. Usable open space requirements shall be applicable only where the main building is devoted to multifamily use. Required usable open space may be reduced to the extent necessary to provide required parking for the dwelling unit in the accessory building and to provide ingress or egress improvements to the accessory building required by the Virginia Uniform Statewide Building Code;
  - e. Not less than one off-street parking space shall be provided for such dwelling unit in addition to spaces required for other use of the property; and
  - f. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

### **Sec. 30-418.4. Lot area/and width.**

- (a) Minimum lot areas and lot widths for single-family and two-family dwellings in the R-53 multifamily residential district shall be as required in the R-7 district and set forth in section 30-413.5.
- (b) Multifamily dwellings shall be located on lots of not less than 5,000 square feet in total area and not less than 1,250 square feet in area for each dwelling unit.

### **Sec. 30-418.5. Yards.**

Yard regulations in the R-53 multifamily residential district shall be as follows:

(1) *Front yard.* There shall be a front yard with a depth of not less than 15 feet (see article VI, division 4, of this chapter).

(2) *Side and rear yards.* Side and rear yards shall be as follows:

a. Side and rear yards for single-family and two-family dwellings and buildings accessory thereto shall be as required in the R-7 district and set forth in section 30-413.6 (see article VI, divisions 3, 4 and 9, of this chapter).

b. Side and rear yards for uses and buildings other than single-family and two-family dwellings and buildings accessory thereto shall be not less than 15 feet in depth.

(3) *Spaces between buildings on same lot.* Spaces between buildings on the same lot shall be as follows:

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

### **Sec. 30-418.6. Usable open space.**

In the R-53 multifamily residential district, usable open space of not less than 40 percent of the area of the lot shall be provided for multifamily dwellings (see section 30-1220).

#### **Sec. 30-418.6:1. Lot coverage.**

Maximum lot coverage in the R-53 multifamily residential district shall not exceed 60 percent of the area of the lot for uses other than multifamily dwellings.

### **Sec. 30-418.7. Reserved.**

**Editor's Note:** Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-418.7, which pertained to number of attached dwellings in series and derived from Code 1993, § 32-418.7.

### **Sec. 30-418.8. Height.**

No building or structure in the R-53 multifamily residential district shall exceed 35 feet in height, except that additional height shall be permitted on lots of two acres or more in area, provided that:

(1) No portion of any building shall penetrate inclined planes originating at interior side and rear lot lines or at the centerline of a public alley adjoining any such lot line and extending over the lot at an inclination of one foot horizontal for each one foot vertical.

(2) No portion of any building shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each one foot vertical along any street frontage where a front yard is required and one foot horizontal for each 1 1/2 feet vertical along other street frontages.

(3) No building shall exceed 60 feet in height.

## **DIVISION 10.1. R-63 MULTIFAMILY URBAN RESIDENTIAL DISTRICT**

### **Sec. 30-419.1. Intent of district.**

Pursuant to the general purposes of this chapter, the intent of the R-63 district is to encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood. The district is intended to be applied within or in close proximity to areas of the city that reflect an urban scale of development and afford convenient access to major employment centers and community facilities, and to encompass undeveloped or underdeveloped properties comprising areas large enough and with sufficient residential density to enable establishment of a cohesive neighborhood. The district regulations permit corner commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood. The district regulations are also intended to promote a streetscape that is urban in character by requiring minimal building setbacks uninterrupted by parking areas along principal street frontages, and to enhance public safety and encourage an active pedestrian environment appropriate to the residential character of the district by providing for windows in building facades along street frontages. Finally, the district regulations are intended to assure adequate accessible parking, safe vehicular and pedestrian circulation, and to provide for limited interruption by driveways and vehicular traffic across public sidewalk areas along principal street frontages. (Ord. No. 2006-197-217, § 1, 7-24-2006)

### **Sec. 30-419.2. Permitted principal uses.**

The following uses of buildings and premises shall be permitted in the R-63 district:

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1.
- (2) Single-family attached dwellings and uses and structures customarily incidental to attached dwelling developments, provided that:
  - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments.
  - b. Architectural variations shall be provided among units within any series of more than four units.
  - c. A plan of development shall be required as set forth in article X of this chapter for any development with three or more newly constructed single-family attached dwellings.
- (3) Two-family dwellings, provided that when more than one main building is to be located on a lot, a plan of development shall be required as set forth in article X of this chapter.
- (4) Multifamily dwellings, provided that when more than one main building or more than ten dwelling units are to be located on a lot, a plan of development shall be required as set forth in article X of this chapter.
- (5) Dwelling units located in the same building as permitted principal uses on corner lots listed in section 30-419.3(a), provided that such dwelling units shall be subject to all of the requirements of this district applicable to multifamily dwellings.

(6) Live/work units, provided that:

a. Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.

b. Space devoted to the nondwelling activity within such unit shall not exceed 60 percent of the total floor area of the unit.

c. The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.

d. There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use and/or storage of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.

(7) Day nurseries, provided that:

a. A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the premises, but not within a required front yard.

b. The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a required front yard.

c. No play equipment or structure shall be located within a front yard or a required side yard.

(8) Tourist homes situated on federal highways.

(9) Adult day care facilities.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2007-338-2008-11, § 1, 1-14-2008)

### **Sec. 30-419.3. Permitted principal uses on corner lots.**

(a) In addition to principal uses permitted by section 30-419.2, the following principal uses shall be permitted on corner lots in the R-63 district subject to the conditions set forth in subsection (b) of this section, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such uses, and provided further that a plan of development shall be required as set forth in article X of this chapter:

(1) Art galleries, including custom framing in conjunction therewith.

(2) Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.

(3) Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.

(4) Laundromats and laundry and dry cleaning pick-up stations.

(5) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No such outside area shall be open to patrons between the hours of 11:00 p.m. and 7:00 a.m.

b. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in an R district other than the R-63 district.

c. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines.

d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

e. Such outside areas shall be included in calculation of the total floor area devoted to the use.

(6) Video rental stores.

(b) The following conditions shall be applicable to permitted principal uses listed in subsection (a) of this section:

(1) Such uses shall be limited to the ground floor of buildings devoted to other permitted principal uses.

(2) The total floor area devoted to such uses on any lot shall not exceed 1,500 square feet. Additional floor area, not to exceed a total of 5,000 square feet, may be permitted subject to approval of a conditional use permit as set forth in article X of this chapter, provided that off-street parking shall be required in accordance with the provisions of article VII of this chapter for the amount of floor area in excess of 1,500 square feet. (Ord. No. 2011-205-2012-1, 1-9-2012)

(3) Such uses shall occupy the portion of the building located at the street corner. Along the principal street frontage of the lot, such uses shall extend no greater distance from the street corner than the equivalent of 15 percent of the total length of the block along such frontage.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

#### **Sec. 30-419.4. Permitted accessory uses and structures.**

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses, shall be permitted in the R-63 multifamily district (see article VI, division 9, of this chapter):

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2.
- (2) Guest units in multifamily developments available for short-term occupancy by guests of regular tenants of such developments, provided that the total number of such guest units shall not exceed one for each 50 dwelling units within the development.
- (3) One dwelling unit located in an accessory building which is located on the same lot as a single-family detached dwelling, provided that:
  - a. The main building shall not contain any lodging units.
  - b. The lot area requirement applicable to a two-family detached dwelling shall be met.
  - c. Not less than one off-street parking space shall be provided for such dwelling unit in addition to space required for the single-family dwelling on the property.
  - d. Emergency vehicle access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.
  - e. A plan of development shall be required as set forth in article X of this chapter.
- (4) Parking areas located on lots occupied by permitted principal uses when such parking areas serve dwelling uses located elsewhere in the R-63 district, provided that:
  - a. The requirements of section 30-710.4 shall be met.
  - b. When such parking areas are located on lots occupied by single-family or two-family dwellings, parking spaces shall be accessible directly from an abutting alley without provision of access aisles on the lot.
- (5) Parking decks, provided that:
  - a. No portion of such structure located along a principal street frontage shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade. (Ord. No. 2011-205-2012-1, 1-9-2012)
  - b. Except as provided in paragraph (a) of this subsection (5), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity.
  - c. Not less than one exit lane and one entrance lane shall be provided, and any card reader or other access control device at an entrance to a parking deck shall be provided with not less than one stacking space situated off the public right-of-way.
  - d. A plan of development shall be required as set forth in article X of this chapter.
- (6) Automated teller machines accessible only from the interior of buildings devoted to permitted principal uses listed in section 30-419.3.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

### **Sec. 30-419.5. Lot area and width.**

Lot area and lot width regulations in the R-63 district shall be as follows (see article VI, division 3, of this chapter):

(1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,000 square feet in area with a width of not less than 25 feet.

(2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than 16 feet, except that the width of any lot at the end of a series of attached units shall be not less than 19 feet. (Code 1993, § 32-413.8; Ord. No. 2010-18-30, § 1, 2-22-2010)

(3) *Two-family detached dwellings.* Two-family detached dwellings shall be located on lots of not less than 3,200 square feet in area with a width of not less than 27 feet.

(4) *Two-family attached dwellings.* Two-family attached dwellings shall be located on lots of not less than 2,600 square feet in area. Lot width shall be not less than 20 feet, except that the width of any lot at the end of a series of attached units shall be not less than 23 feet.

(5) *Multifamily dwellings.* Multifamily dwellings shall be located on lots of not less than 4,000 square feet in total area and not less than 1,000 square feet in area for each dwelling unit.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2006-330-2007-12, § 1, 1-8-2007; § Ord. No. 2010-18-30, § 1, 2-22-2010; (Code 1993, § 32-413.8; Ord. No. 2010-18-30, § 1, 2-22-2010)

### **Sec. 30-419.6. Yards.**

Yard regulations in the R-63 district shall be as follows (see article VI, divisions 3, 4 and 9 of this chapter):

(1) *Front yard.* No front yard shall be required. In no case shall a front yard with a depth of greater than 15 feet be permitted for a main building.

(2) *Side yards.*

a. *Single-family and two-family dwellings and buildings accessory thereto.* There shall be side yards of not less than three feet in width except where buildings are attached.

b. *All other uses and buildings.* There shall be side yards of not less than five feet in width.

(3) *Rear yard.*

a. *Single-family and two-family dwellings and buildings accessory thereto.* There shall be a rear yard of not less than five feet in depth.

b. *All other uses and buildings.* There shall be a rear yard of not less than 15 feet in depth.

(4) *Spaces between buildings on the same lot.*

a. Where two or more buildings, at least one of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet.

b. Where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than ten feet.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2006-330-2007-12, § 1, 1-8-2007)

### **Sec. 30-419.7. Usable open space.**

In the R-63 district, usable open space of not less than 30 percent of the area of the lot shall be provided for multifamily dwellings (see definition of term in section 30-1220).

(Ord. No. 2006-197-217, § 1, 7-24-2006)

### **Sec. 30-419.8. Lot coverage.**

In the R-63 district, lot coverage for uses other than multifamily dwellings shall not exceed 65 percent of the area of the lot.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

### **Sec. 30-419.9. Requirements for areas devoted to parking or circulation of vehicles.**

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles, other than permitted driveways from a street, shall be located to the rear of buildings so as not to be visible from the street frontage of the lot. On a lot having more than one street frontage, the provisions of this paragraph shall apply only along the principal street frontage of the lot as defined in article XII of this chapter.

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this provision, principal street frontage shall be as defined in article XII of this chapter.

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

(Ord. No. 2006-197-217, § 1, 7-24-2006)

### **Sec. 30-419.10. Height.**

Height regulations in the R-63 district shall be as follows:

(1) *Maximum height in general.* No building or structure shall exceed three stories in height, except as set forth in paragraphs (2) and (3) of this section. For purposes of this section 30-419.10, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 14 feet, except as provided in paragraphs (2) and (3) of this section.

(2) *Maximum height in special cases.* A maximum height of four stories shall be permitted in the case of a building in which not less than 50 percent of the area of the ground floor is devoted to accessory parking deck use in compliance with the provisions of section 30-419.4(5), provided that in such case no story shall exceed ten feet in height.

(3) *Additional height on corner lots.* Additional height not to exceed a total height of four stories shall be permitted on a corner lot, provided that along the principal street frontage of the corner lot, such additional height shall be permitted only within a distance from the corner equivalent to 15 percent of the total length of the block along such frontage, and provided further that in the case of a four story building no story shall exceed 12 feet in height.

(4) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(5) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of "story" set forth in article XII of this chapter and shall be measured at the building façade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building façade along the principal street frontage of the lot.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2006-330-2007-12, § 1, 1-8-2007; Ord. No. 2011-205-2012-1, 1-9-2012)

### **Sec. 30-419.11. Building facade fenestration.**

Fenestration requirements applicable to building facades along street frontages in the R-63 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot.

(1) *Street level story.*

a. *Uses permitted only on corner lots.* For principal uses that are permitted only on corner lots and listed in section 30-419.3, a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building facade along the street frontage of the lot, a minimum of 30 percent of the building facade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1)(a) shall not apply.

b. *Dwelling uses.* For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views into and out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building facade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1) b shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.* For dwelling uses, other than single-family and two-family dwellings, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story. The types of permitted windows shall be as specified in subsection (1) b of this section.

(Ord. No. 2006-197-217, § 1, 7-24-2006; Ord. No. 2011-205-2012-1, 1-9-2012)

## DIVISION 29. M-2 HEAVY INDUSTRIAL DISTRICT

### Sec. 30-454.1. Permitted principal and accessory uses.

The following uses of buildings and structures shall be permitted in the M-2 district:

- (1) Any use permitted in the M-1 district as set forth in section 30-452.1;
- (2) Any use or structure not permitted in any other district, including accessory buildings; provided that no building or premises shall be used for any of the following purposes unless specifically authorized or permitted by the city council; provided that for purposes of this subsection (2), a use listed in any other district as permitted by conditional use permit or permitted only when lawfully existing on the effective date of a particular provision shall not be construed to be a permitted use:
  - a. Curing, smoking, packing or storing of fish.
  - b. Incinerating, reducing, dumping or storing, including transfer facilities, of offal, dead animals, garbage or refuse for compensation and not as a governmental function.
  - c. Manufacturing or refining of ammonia, bleaching powder, chlorine, celluloid, pyroxylin and explosive or flammable products made therefrom; dyestuffs, explosives and pyrotechnics, gypsum, lime, cement, plaster of Paris, matches, turpentine, paint, varnish and fertilizer from organic materials or bone distillation.
  - d. Manufacturing or storage of sulphurous, sulphuric, nitric, picric, hydrochloric or other corrosive acid, exclusive of the use or storage thereof in connection with other permitted uses of buildings or premises.
  - e. Medical waste management facilities as regulated by and for which a permit is required by the State of Virginia Department of Environmental Quality, excluding however, any facility subject to an on-site permit by rule.
  - f. Flea markets.
  - g. Outdoor shooting ranges.
  - h. Nightclubs. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)
  - i. Private penal institutions.
  - j. Public and private alternative incarceration domiciliary facilities and institutions.
  - k. Refining of tallow, grease or lard.
  - l. Refining of petroleum products.
  - m. Rendering of fat.
  - n. Retail sales of liquor.
  - o. Sales, storage or disposal of used tires in bulk.
  - p. Storage of dyestuffs, explosives and pyrotechnics.
  - q. Storage of petroleum products in bulk for distribution in areas beyond the metropolitan area.

(Code 1993, § 32-454.1; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2011-29-150, § 12, 9-12-2011)

### Sec. 30-454.2. Report from chief administrative officer.

In the M-2 heavy industrial district, the city council shall not authorize or permit any building or premises to be used for any purpose specified in subsection 30-454.1(2) until after the chief administrative officer has reported in writing to the council the effect that such use will have upon the safety, health, comfort, convenience and welfare of the inhabitants of the city and of persons in the locality in which such building is or premises are to be situated.

(Code 1993, § 32-454.2; Ord. No. 2004-360-330, § 1, 12-13-2004)

### **Sec. 30-454.3. Uses constituting nuisances.**

No building or premises shall be used for any purpose permitted in the M-2 heavy industrial district in such a manner as to constitute a nuisance by the creation of unreasonably loud and disturbing sound or noise; unreasonable vibrations; unreasonable danger from explosion or fire; or the unreasonable emission of smoke, odor, dust, heat or glare.

### **Sec. 30-454.4. Yards.**

Yard regulations in the M-2 heavy industrial district shall be as follows:

- (1) *Front yard.* No front yard shall be required (see article VI, division 4, of this chapter).
- (2) *Side yards.* No side yards shall be required, except that where a side yard line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than 50 feet in width.
- (3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 50 feet in depth.

### **Sec. 30-454.5. Screening.**

Screening regulations in the M-2 heavy industrial district shall be as follows:

- (1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen or opaque structural fence or wall not less than six feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be of the specified height at the time of installation and shall be planted at such intervals that will result in a continuous visual screen within one year of planting.
- (2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.
- (3) Automobile junkyards and similar uses involving outside storage of scrapped or junked materials shall be screened from view from public streets, public spaces and adjacent properties in an R or RO district by opaque structural fences or walls not less than six feet in height.

### **Sec. 30-454.6. Height.**

In the M-2 heavy industrial district, no building or structure shall exceed 45 feet in height, provided that additional height shall be permitted, except for sign structures, when all portions of a building or structure over 45 feet in height are set back from side and rear lot lines a minimum of one foot for each two feet of height in excess of 45 feet and provided, further, that no portion of a building or structure shall penetrate an inclined plane originating at the centerline of an abutting street and extending over the lot at an inclination of one foot horizontal for each three feet vertical.

## **DIVISION 30. COMMUNITY UNIT PLANS**

### **Sec. 30-456.1. Applicability of article.**

The regulations contained in this article shall be applicable to community unit plans and are established pursuant to and in accordance with section 17.10(g) of the Charter.

### **Sec. 30-456.2. Land eligible.**

The owner of any tract of land situated in any district and which comprises not less than ten contiguous acres in area, except for intervening public streets and alleys, may submit to the planning commission a plan for the use and development of such land in a manner that does not conform in all respects with the regulations and restrictions prescribed for the district in which such tract is situated.

### **Sec. 30-456.3. Content of preliminary plan.**

A preliminary community unit plan containing the following information shall be submitted to the planning commission:

- (1) Maximum number of dwelling units and maximum amount of commercial and residential floor area proposed.
- (2) General character and location of all buildings, structures and open spaces.
- (3) General location of all means of ingress and egress and areas for the parking and circulation of vehicles.
- (4) Specific features of the plan which are intended to ensure compatibility with adjacent development.
- (5) Statement as to the manner in which such plan meets the criteria set forth in section 30-456.4.

### **Sec. 30-456.4. Approval or disapproval of preliminary plan; criteria.**

The planning commission shall approve the preliminary community unit plan when it finds, after receiving a report from the director of planning and development review and after holding a public hearing thereon, that the use of the land and the design, construction, maintenance and operation of the structures, facilities and appurtenances proposed thereon will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property; will not unreasonably impair an adequate supply of light and air to adjacent property; will not unreasonably increase congestion in streets; will not unreasonably increase public danger from fire or otherwise unreasonably affect public safety; and will not diminish or impair the established values of property in surrounding areas; otherwise, the commission shall disapprove the plan.

#### **Sec. 30-456.5. Action of planning commission.**

The planning commission shall hold a public hearing on the preliminary community unit plan. Notice of the time and place of such public hearing shall be given in accordance with general law. The names and addresses of all property owners within the city to whom notices are to be sent shall be furnished by the city assessor and shall be as shown on the then-current tax records of the city. The action of the planning commission shall be based upon a finding of fact which shall be reduced to writing and preserved among its records. The commission shall act by formal resolution, which shall set forth the reasons for its decision. When the planning commission approves a preliminary community unit plan, it shall transmit a copy of its resolution, together with its finding of fact, to the city council.

#### **Sec. 30-456.6. Action of city council.**

The city council shall hold a public hearing on the preliminary community unit plan. Notice of the time and place of such public hearing shall be given by the city clerk in accordance with general law. The names and addresses of all property owners within the city to whom notices are to be sent shall be furnished to the city clerk by the city assessor and shall be as shown on the then-current tax records of the city. The city council may, by ordinance, approve the plan if it concurs in the finding of fact of the commission.

#### **Sec. 30-456.7. Approval or disapproval of final plan; criteria.**

After approval of a preliminary community unit plan by the city council and within a period of time specified in the ordinance adopting such plan, a final plan indicating in detail the proposed layout of the site and character of improvements thereon shall be submitted to the planning commission. After receiving a report from the director of planning and development review, the commission shall, by formal resolution, approve the final plan if it finds that the requirements of section 30-456.4 are met and that such plan is consistent with objectives of the preliminary plan as adopted by the council and not in conflict with any conditions specified by the council. The commission shall not approve the final plan if revisions thereto subsequent to council approval have resulted in an increase in the number of dwelling units or amount of residential or commercial floor area or in any greater deviation from the zoning district regulations than proposed in the preliminary plan.

#### **Sec. 30-456.8. Permits for construction and occupancy.**

A copy of the resolution approving a final community unit plan shall be transmitted to the zoning administrator, who shall thereby be authorized to review for sufficiency the necessary permits for construction and occupancy. Application for building permits shall be made within a period of time specified in the resolution; otherwise, the action of the planning commission shall be considered null and void.

#### **Sec. 30-456.9. Preliminary plan may be considered final plan.**

When a preliminary community unit plan indicates in detail the proposed layout of the site and character of improvements thereon and meets all other requirements of this division and when no modifications are made to such plan subsequent to its approval by the city council, the plan shall be deemed to be the final plan. In such case, the city council may authorize the issuance of necessary construction and occupancy permits within a specified period of time, and further approval by the planning commission shall not be required.

#### **Sec. 30-456.10. Submission fees.**

(a) A fee as set forth in appendix A to this Code shall accompany the preliminary community unit plan application, which amount shall be paid into the city treasury.

(b) A fee as set forth in appendix A to this Code shall accompany each final community unit plan application, which amount shall be paid into the city treasury.

(c) A fee as set forth in appendix A to this Code shall accompany each application for an extension to a community unit plan, which amount shall be paid into the city treasury.

(d) A fee as set forth in appendix A to this Code shall accompany each application for an amendment to a community unit plan, which amount shall be paid into the city treasury.

(e) A letter of acceptance for a preliminary community unit plan, final community plan, extension of a community unit plan or amendment of a community plan shall not be accepted until satisfactory evidence has been presented to the secretary of the planning commission that any delinquent real estate taxes applicable to the subject property have been paid. If an application for an amendment to a community unit plan is made, this subsection shall apply only to the properties which are included in the amendment application.

### **Sec. 30-456.11. Posting of notice on property.**

In the case of each application for a community unit plan or amendment to a community unit plan, it shall be the responsibility of the Department of Planning and Development Review to post on the property that is the subject of the community unit plan, a sign or signs notifying interested parties of the application and pending public hearings thereon. Such sign(s) shall: (i) be posted at least 15 days prior to the scheduled Planning Commission public hearing on the application, (ii) shall remain on the property until final disposition of the application by the City Council, and (iii) shall comply with any applicable standard established by the Department of Planning and Development Review and approved by resolution of the Planning Commission.

(Ord. No. 2006-259-262, § 1, 10-23-2006; Ord. No. 2015-148-158, § 1, 7-27-2015)