



90+ TAX DELINQUENT, BANK-OWNED, AND CONSIGNMENT PROPERTIES LOCATED IN RICHMOND & PETERSBURG!

RICHMOND, VA

Tim Dudley, CAI, AARE
Senior Advisor
O: 804.822.3131
tdudley@svn.com



Property Summary



OFFERING SUMMARY

Auction Date: Wed., May 16, 2018

Auction Time: Doors Open @ 3 PM
Auction Starts @ 4 PM

Auction Location: 3600 Deepwater
Terminal Rd.,
Richmond, VA 23234

Single Family Houses: 45

Duplexes: 10

Commercial Lots: 4

Rowhouses: 3

Commercial Buildings: 1

PROPERTY OVERVIEW

90+ Properties in City of Richmond & City of Petersburg. Development Opportunities in Church Hill, Manchester, Fan District, Southside, East End & More in Richmond, VA. Investment properties available in Moore, Coleman, Webb, Myers, and Wilson-Smith Areas of Petersburg, VA. Plus consignments!

SALE INFORMATION

- Public Auction
- Online & Mobile Bidding Now Available
- Auction Location: 3600 Deepwater Terminal Rd., Richmond, VA 23234
- For More Information, Please Call the City Tax Sale Hotline @ [804] 655-2415
- 61 City of Richmond Tax Delinquent Properties
- 25 City of Petersburg Bank-Owned Properties
- Plus Consignments!
- Visit Motleys.com to register now!

Additional Photos

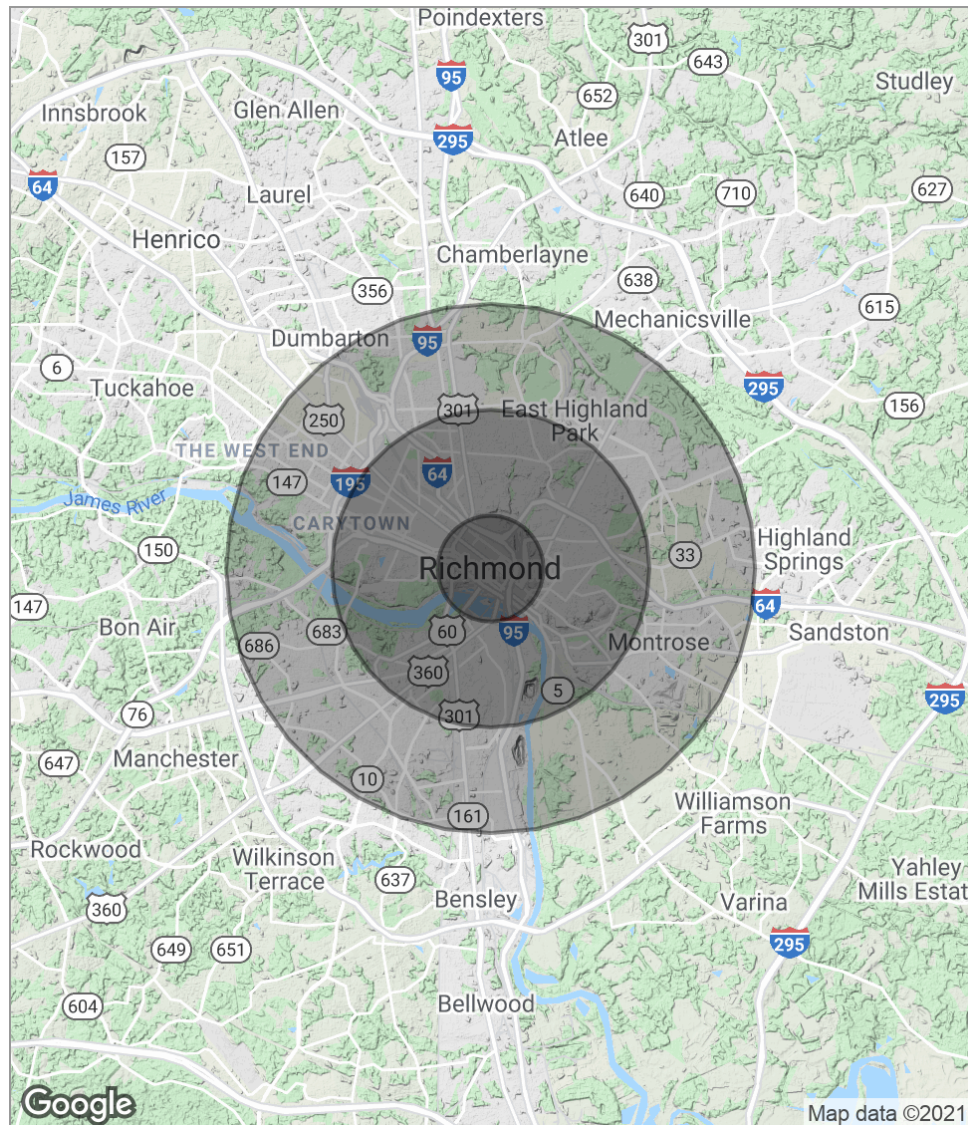




Location Maps



Demographics Map



POPULATION	1 MILE	3 MILES	5 MILES
Total population	3,138	32,613	135,572
Median age	30.5	31.8	32.9
Median age [Male]	30.8	31.0	31.8
Median age [Female]	30.4	32.6	33.8
HOUSEHOLDS & INCOME	1 MILE	3 MILES	5 MILES
Total households	966	11,987	52,750
# of persons per HH	3.2	2.7	2.6
Average HH income	\$37,807	\$43,715	\$47,482
Average house value	\$258,816	\$190,032	\$205,334

* Demographic data derived from 2010 US Census



CITY OF RICHMOND TAX DELINQUENT AUCTION – FREQUENTLY ASKED QUESTIONS

Auction Date: Wednesday, May 16, 2018.

Time: Auction commences at 4 PM. Doors will be open at 3 PM to allow time for registration. Please arrive early.

Location: Motleys Asset Disposition Group
3600 Deepwater Terminal Road
Richmond, VA 23234

Requirements to Bid: Valid Driver's License or DMV issued ID.

Frequently Asked Questions:

1) What is the deposit?

Registered bidders must present on auction day an **initial deposit of \$2,500.00 or 20% of the Total Purchase Price, whichever is greater. The initial deposit must be cash, certified or cashier's check made payable to Motleys Asset Disposition Group.** The deposit may also be made by personal/company check accompanied by an irrevocable letter of guarantee with the current date on bank letterhead.

2) How do I get my cashier's check back if I made it out to someone else?

Motleys does not collect the check; bidders who are not the high bidder can return their check to the issuing bank.

3) Can I get into the property?

We cannot arrange for you to view the interior of the property. You are welcome to inspect the property at your own risk but we cannot give you permission to enter the property.

4) Who pays the delinquent taxes?

The taxes will be paid from the proceeds of the sale.

5) What if the proceeds are less than what is owed for taxes?

The judicial sale process allows the property to pass free and clear of all liens, regardless of whether they are paid in full.

Closing will be subject to court confirmation: All properties are being sold subject to court confirmation. Court hearing for confirmation is anticipated to occur on **July 27, 2018.** The

balance of purchase price and "required documents" is due before close of business on **June 18, 2018.** Upon settlement, buyer will be provided a Special Warranty deed for the property.

TIME IS OF THE ESSENCE.

May 16th Auction Property List

RICHMOND TAX DELINQUENT PROPERTIES

Offering #	Address	Area #	Area Name	Property Type	Zoning	AC +/-	SF +/-	Beds/Baths +/-	Year Built	2018 Tax Assessment
1	2214 Ford Ave., Richmond, VA 23223	10	Whitcomb	Residential Lot	R-5	0.151	N/A	N/A	N/A	\$12,000
2	1824 N. 28th St., Richmond, VA 23223	10	Woodville	Residential Lot	R-5	0.075	N/A	N/A	N/A	\$15,000
3	2405 Whitcomb St., Richmond, VA 23223	10	Whitcomb	Single Family House	R-5	0.139	1,200	4/0	1900	\$17,000
4	2100 Wood St., Richmond, VA 23223	10	Whitcomb	Single Family House	R-5	0.227	862	3/0	1958	\$17,000
5	1313 N. 22nd St., Richmond, VA 23223	10	Fairmount	Residential Lot	R-6	0.078	N/A	N/A	N/A	\$20,000
6	974 Pink St., Richmond, VA 23223	10	Union Hill	Residential Lot	R-63	0.044	N/A	N/A	N/A	\$20,000
7	1431 Rogers St., Richmond, VA 23223	10	Brauers	Single Family House	R-6	0.083	1,008	3/0	1927	\$22,000
8	1807 T St., Richmond, VA 23223	10	Fairmount	Single Family House	R-6	0.112	960	3/1	1922	\$24,000
9	1415 Mechanicsville Tpke., Richmond, VA 23223	10	Brauers	Single Family House	R-6	0.086	2,024	3/2.5	1915	\$25,000
10	1429 Mechanicsville Tpke., Richmond, VA 23223	10	Brauers	Duplex	R-6	0.086	1,880	4/0	1915	\$34,000
11	2508-2510 Q St., Richmond, VA 23223	10	North Church Hill	Commercial Lot	UB-PE3	0.176	N/A	N/A	N/A	\$27,000
12	2318 Venable St., Richmond, VA 23223	10	Union Hill	Rowhouse	R-63	0.056	1,614	0/0	1910	\$30,000
13	WITHDRAWN -1209 N. 21st St., Richmond, VA 23223	10	Fairmount	Duplex	R-6	0.078	1,660	4/0	1909	\$37,000
14	1913 Chelsea St., Richmond, VA 23223	10	Worsham Court	Single Family House	R-5	0.110	624	3/1	1946	\$37,000
15	714-716 Cheatwood Ave., Richmond, VA 23222	10	Washington Park	Single Family House	R-5	0.132	877	3/0	1958	\$54,000

May 16th Auction Property List

16	509 N. 28th St., Richmond, VA 23223	10	Church Hill	Residential Lot	R-8	0.089	N/A	N/A	N/A	\$60,000
17	312 N. 32nd St., Richmond, VA 23223	10	Church Hill	Residential Lot	R-8	0.070	N/A	N/A	N/A	\$65,000
18	2708 Selden St., Richmond, VA 23223	10	Creighton	Single Family House	R-5	0.198	1,372	3/2	1976	\$68,000
19	2 W. Leigh St., Richmond, VA 23220	10	Jackson Ward	Commercial Lot	R-63	0.082	N/A	N/A	N/A	\$72,000
20	2310 Burton St., Richmond, VA 23223	10	Church Hill/ Union Hill	Rowhouse	R-63	0.027	1,474	0/1	1910	\$84,000
21	607 N. 37th St., Richmond, VA 23223	10	Church Hill/ Chimborazo	Single FamilyHouse	R-5	0.080	1,840	3/1.5	1925	\$94,000
22	606 Freeman Rd., Richmond, VA 23221	10	City Stadium Area	Single Family House	R-5	0.277	1,380	3/1	1942	\$118,000
23	1611 National St., Richmond, VA 23231	10	Fulton	Single Family House	R-5	0.145	1,836	3/2	1938	\$131,000
24	1603 Magnolia St., Richmond, VA 23222	30	Highland Park	Single Family House	R-6	0.073	923	2/1	1925	\$36,000
25	3301 4th Ave., Richmond, VA 23222	30	Highland Park	Single Family House	R-6	0.123	1,183	3/1	1928	\$38,000
26	300 E. Brookland Park Blvd., Richmond, VA 23222	30	Brookland Park	Residential Lot	R-5	0.254	N/A	N/A	N/A	\$45,000
27	207 Minor St., Richmond, VA 23222	30	Barton Heights	Duplex	R-6	0.064	1,970	4/2	1920	\$53,000
28	WITHDRAWN -2810-2812 5th Ave., Richmond, VA 23222	30	Highland Park	Duplex	R-6	0.249	1,877	4/2	1959	\$59,000
29	2612 3rd Ave., Richmond, VA 23222	30	Highland Park	Single Family House	R-6	0.161	1,656	4/2	1926	\$87,000
30	2615 North Ave., Richmond, VA 23222	30	Barton Heights	Duplex	R-6	0.155	1,872	4/2	1910	\$118,000
31	2717 Griffin Ave., Richmond, VA 23222	30	Brookland Park	Single Family House	R-5	0.097	1,320	4/1	1924	\$131,000
32	1317 Minefee St., Richmond, VA 23224	50	Bellemeade	Rowhouse	R-6	0.037	896	2/1	1971	\$22,000
33	1337 Minefee St., Richmond, VA 23224	50	Bellemeade	Residential Lot	R-6	0.057	N/A	N/A	N/A	\$5,000

May 16th Auction Property List

34	2403 Everett St., Richmond, VA 23224	50	Swansboro	Residential Lot	R-6	0.103	N/A	N/A	N/A	\$10,000
35	2304 Fairfax Ave., Richmond, VA 23224	50	Manchester/ Oak Grove	Residential Lot	R-5	0.108	N/A	N/A	N/A	\$10,000
36	5328 Troy Rd., Richmond, VA 23224	50	South Garden	Residential Lot	R-4	0.229	N/A	N/A	N/A	\$20,000
*37	3937 Hull Street Rd., Richmond, VA 23224	50	Southside/ McGuire	Commercial Lot	B-3	0.140	N/A	N/A	N/A	\$9,000
	701A Belt Blvd., Richmond, VA 23224	50	Southside/ McGuire	Residential Lot	R-4	0.156	N/A	N/A	N/A	\$20,000
38	2312 Lumkin Ave., Richmond, VA 23234	50	Jeff Davis	Residential Lot	R-MH	1.000	N/A	N/A	N/A	\$25,000
39	4100 Grantlake Rd., Richmond, VA 23234	50	Cottrell Farms	Residential Lot	R-3	0.300	N/A	N/A	N/A	\$25,000
40	4418 Arnwood Rd., Richmond, VA 23234	50	Southside/Johnsons Farms	Residential Lot	R-3	0.306	N/A	N/A	N/A	\$26,000
41	2023 Boston Ave., Richmond, VA 23224	50	Manchester	Single Family House	R-7	0.234	1,550	0/0	1925	\$30,000
42	1316 Overlook St., Richmond, VA 23224	50	Bellemeade	Single Family House	R-5	0.149	672	0/1	1941	\$38,000
43	3409 Deerwood Rd., Richmond, VA 23234	50	Davee Gardens	Single Family House	R-4	0.193	809	2/1	1948	\$40,000
44	1406 Lynhaven Ave., Richmond, VA 23224	50	Bellemeade	Single Family House	R-5	0.229	792	0/1	1939	\$41,000
45	4005 Jefferson Davis Hwy., Richmond, VA 23234	50	Jeff Davis	Single Family House	B-3	0.141	1,148	2/1	1928	\$46,000
46	WITHDRAWN -2100 Halifax Ave., Richmond, VA 23224	50	Manchester/ Oak Grove	Duplex	R-5	0.164	1,882	4/2	1916	\$47,000
47	1511 Drewry St., Richmond, VA 23224	50	Bellemeade	Single Family House	R-5	0.225	888	3/1	1952	\$47,000
48	2417 Marion Mashore St., Richmond, VA 23224	50	Swansboro	Single Family House	R-6	0.138	1,540	3/1	1910	\$49,000
49	2003 Dinwiddie Ave., Richmond, VA 23224	50	Manchester	Single Family House	R-5	0.240	1,504	3/1	1924	\$50,000
50	5400 Hansdale Rd., Richmond, VA 23224	50	Piney Knolls	Residential Lot	R-4	0.935	N/A	N/A	N/A	\$50,000

May 16th Auction Property List

51	2001 Ingram Ave., Richmond, VA 23224	50	Oak Grove	Single Family House	R-5	0.108	1,352	3/2	1938	\$63,000
52	2003 Ingram Ave., Richmond, VA 23224	50	Oak Grove	Residential Lot	R-5	0.108	N/A	N/A	N/A	\$10,000
53	2505 Oakland Ave., Richmond, VA 23224	50	Bellemeade	Single Family House	R-5	0.232	1,352	2/1	1925	\$63,000
*54	4100 Rear Terminal Ave., Richmond, VA 23224	50	Hickory Hill	Residential Lot	R-4	0.944	N/A	N/A	N/A	\$20,000
	4100 Terminal Ave., Richmond, VA 23224	50	Hickory Hill	Single Family House	R-4	2.467	982	2/1	1936	\$79,000
55	3716 Lawson St., Richmond, VA 23224	60	Swansboro West	Residential Lot	R-5	0.095	N/A	N/A	N/A	\$10,000
56	115 Lipscomb St., Richmond, VA 23224	60	Blackwell	Residential Lot	R-7	0.063	N/A	N/A	N/A	\$14,000
57	6321 Daytona Dr., Richmond, VA 23225	60	Worthington Farms	Residential Lot	R-3	2.386	N/A	N/A	N/A	\$50,000
58	1501 Hull St., Richmond, VA 23224	60	William Grays Estate	Commercial Lot	UB2-PE1	0.089	N/A	N/A	N/A	\$43,000
59	2322 & 2412 Hull St., Richmond, VA 23224	60	Swansboro	Duplex	B-3	0.159	3,200	6/4	1910	\$93,000
60	2852 Hull St., Richmond, VA 23224	60	Swansboro	Duplex	B-3	0.119	1,762	4/2	1910	\$51,000
61	3101 Porter St., Richmond, VA 23225	60	Woodland Heights	Assisted Living	R-5	0.852	N/A	N/A	1923	\$1,071,000

PETERSBURG BANK-OWNED PROPERTIES

Offering #	Address	Area #	Area Name	Property Type	Zoning	AC +/-	SF +/-	Beds/Baths +/-	Year Built	2018 Tax Assessment
62	123 Spruce St., Petersburg, VA 23803	57	Moore	House (\$4,500/yr)	R-3	0.072	576	2/1	1955	\$29,900
63	118 Spruce St., Petersburg, VA 23803	57	Moore	Single Family House	R-3	0.057	738	2/1	2008	\$71,900
64	1225 High Pearl St., Petersburg, VA 23803	57	Myers	Single Family House	R-2	0.094	1125	2/1	1955	\$57,000

May 16th Auction Property List

65	531 St. Marks St., Petersburg, VA 23803	57	Myers	House (\$10,800/yr)	R-2	0.066	1,485	3/2.5	1945	\$90,500
66	606 & 608 Halifax St., Petersburg, VA 23803	57	Myers	Quadplex (\$18,900/yr)	R-3	0.348	4,074	4/0	1914	\$158,100
67	835 Gladstone St., Petersburg, VA 23803	57	Myers	House (\$1,848/yr)	R-3	0.057	720	2/1	2008	\$69,200
68	1227 Montgomery Ave., Petersburg, VA 23803	57	Coleman	Single Family House	R-2	0.160	980	2/1	1957	\$55,200
69	1206 Grant Ave., Petersburg, VA 23803	57	Coleman	House (\$6,420/yr)	R-2	0.098	858	2/1	1924	\$51,700
70	302 Elm St., Petersburg, VA 23803	57	Webb	House (\$8,100/yr)	R-2	0.223	1,012	2/1	1920	\$65,700
71	144 Spring St., Petersburg, VA 23803	57	Webb	House (\$8,700/yr)	R-2	0.120	1,066	3/1	1925	\$80,900
72	17 Spring St., Petersburg, VA 23803	57	Webb	House (\$6,600/yr)	M-1	0.229	1,220	3/1	1928	\$54,800
73	1325 W. Wythe St., Petersburg, VA 23803	57	Coleman	House (\$9,492/yr)	R-3	0.103	1,064	3/2	1998	\$85,200
74	1318 W. Washington St., Petersburg, VA 23803	57	Coleman	House (\$8,700/yr)	B-2	0.172	1,400	0/1	1900	\$104,000
75	1342-1344 Rome St., Petersburg, VA 23803	57	Coleman	Duplex 1342 - Leased (\$7,200/yr)	R-3	0.094	2,176	4/2 (+2Half)	1915	\$110,800
76	922-924 Wilcox St., Petersburg, VA 23803	57	Myers	Duplex 922 - Leased (\$6,600/yr)	R-3	0.206	1,984	6/2	1910	\$59,200
77	1026 Stainback St., Petersburg, VA 23803	57	Myers	House (\$7,020/yr)	R-3	0.117	720	1/1	2008	\$67,900
78	929 Stainback St., Petersburg, VA 23803	57	Myers	House (\$9,900/yr)	R-3	0.160	768	3/1	1966	\$72,000
79	655 Pegram St., Petersburg, VA 23803	57	Myers	House (\$8,700/yr)	R-2	0.250	1,184	3/1	1925	\$72,900
80	936 Lee Ave., Petersburg, VA 23803	57	Myers	Duplex Unit A-Leased (\$6,900/yr)	R-2	0.179	2,762	6/4	1890	\$110,800

May 16th Auction Property List

81	532 Cameron St., Petersburg, VA 23803	57	Wilson-Smith	House (\$6,300/yr)	R-3	0.108	544	2/1	1929	\$39,000
82	33 N. Cherry St., Petersburg, VA 23803	57	Wilson-Smith	House (\$6,600/yr)	R-3	0.113	863	2/1	1952	\$54,000
83	131-133 S. Old Church St., Petersburg, VA 23803	57	Wilson-Smith	Duplex 131 – Leased (\$5,040/yr)	R-3	0.115	1,440	4/2	1957	\$60,200
84	95 Slagle Ave., Petersburg, VA 23803	57	Wilson-Smith	House (\$7,200/yr)	R-2	0.114	780	2/1	1954	\$46,200
85	2019 S. Whitehill Dr., Petersburg, VA 23803	57	Wilson-Smith	House (\$7,200/yr)	R-2	0.137	929	3/1	1958	\$54,500
86	103 Courthouse St., Petersburg, VA 23803	57	Wilson-Smith	House (\$9,300/yr)	R-2	0.184	816	3/1	1955	\$47,300

CONSIGNMENT PROPERTIES

Offering #	Address	Area #	Area Name	Property Type	Zoning	AC +/-	SF +/-	Beds/ Baths +/-	Year Built	2018 Tax Assessment
87	9500 Emmett Rd., Glen Allen, VA 23060	34	West End Henrico	Single Family House	A-1	3.000	2,392	4/2	1980	\$260,800
88	216 N. Jefferson St., Petersburg, VA 23803	57	Moore	House (\$9,600/yr)	R-3	0.086	1,920	3/1.5	1916	\$72,400
89	268 N. Main St., Bowling Green, VA 22427	N/A	Bowling Green	Office	RP	0.446	2,550	0/2	1981	\$543,400
90	3025 Q St., Richmond, VA 23223	10	Church Hill North	Triplex	R-6	0.137	3,348	6/3	1910	\$208,000
91	801 Burns St., Richmond, VA 23222	30	North Highland Park	Residential Lot	R-6	0.066	N/A	N/A	N/A	\$12,000
92	3203 Lawson St., Richmond, VA 23222	60	Swansboro West	Residential Lot	R-5	0.121	N/A	N/A	N/A	\$10,000
93	2208 Joplin St., Richmond, VA 23224	50	Oak Grove	Residential Lot	R-5	0.223	N/A	N/A	N/A	\$10,000
94	318 Brook Rd., Richmond, VA 23220	10	Jackson Ward	Mixed-Use	B-4	0.031	1,788	0/0	1910	\$181,000
95	320 Brook Rd., Richmond, VA 23220	10	Jackson Ward	Mixed-Use	B-4	0.027	2,052	0/0	1910	\$315,000

DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-402.1. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-1 district:

- (1) Single-family detached dwellings;
- (2) Libraries, museums, schools, parks and recreational facilities owned or operated by any governmental agency, and other uses required for the performance of governmental functions and primarily intended to serve residents of adjoining neighborhoods, provided that a plan of development shall be required as set forth in article X of this chapter for any such use that is not subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter;
- (3) Churches and other places of worship, which may include the serving of food as a charitable or fellowship use within the church or place of worship, provided that a plan of development shall be required as set forth in article X of this chapter for any church or other place of worship;
- (4) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises;
- (5) Public and private noncommercial forests, wildlife preserves and conservation areas;
- (6) Private noncommercial parks, recreational facilities, country clubs, swimming pools, athletic fields, community center buildings and uses incidental thereto, operated by associations or organizations not organized for profit, the exclusive use of which is limited to members of such associations or organizations and their guests, provided that the following conditions are met:
 - a. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan, except that this provision shall not apply to premises exclusively serving the residents of an adjoining neighborhood;
 - b. Portions of the premises devoted to outdoor activities shall be effectively screened from view from abutting properties in R and RO districts by evergreen vegetative or structural screens not less than six feet in height;
 - c. No building shall be located within 50 feet of an adjoining lot in an R and RO district;
 - d. Swimming pools and adjoining deck areas shall be completely enclosed with a fence or wall not less than four feet in height, and no swimming pool or adjoining deck area shall be located within 50 feet of an adjoining lot in an R or RO district;
 - e. A plan of development shall be required as set forth in article X of this chapter.
- (7) Private elementary and secondary schools having curricula substantially the same as that offered in public schools, provided that a plan of development shall be required as set forth in article X of this chapter;
- (8) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;
- (9) Antennas and support structures for communications systems operated by or for the city;

(10) Wireless communications facilities and microwave relay facilities, including support structures, on property owned by the city, subject to the requirements for location, character and extent approval by the city planning commission in accordance with the requirements of section 17.07 of the City Charter.

(Code 1993, § 32-402.1; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-402.2. 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-1 district (see section 30-680):

- (1) Private garages, garden, tool and storage buildings, boathouses, piers and docks;
- (2) Home occupations;
- (3) Day nurseries when located within churches, or other places of worship, community centers or school buildings, provided:
 - 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;
- (4) Parking areas;
- (5) **Reserved** [NOTE: Accessory lodging units removed.] (**No. 2012-74-84, § 1, 6-11-2012**)
- (6) Swimming pools, tennis courts and similar recreational facilities;
- (7) Temporary structures, trailers and storage of equipment and materials incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of construction. In the case of public improvements construction taking place within a public right-of-way, such construction related activities shall be permitted on property abutting the construction site when approved by the director of public works and when operated and maintained in accordance with standards established by said director;
- (8) Raising or keeping of domestic animals for noncommercial purposes on lots occupied by single-family dwellings, provided that all pens, runs, out-buildings and other facilities for the housing or enclosure of such animals shall be located not less than 200 feet from all property lines. The restrictions set forth in this subsection shall not apply to the keeping of dogs, cats or other household pets or to the keeping of not more than four female chickens in residential districts. In addition, with regard to the keeping of not more than four female chickens, (i) no fenced area, pen or structure for the keeping of such chickens shall be located closer than 15 feet to any dwelling on an adjacent lot, (ii) no fenced area or pen for the keeping of such chickens shall be located within any required front yard or street side yard and (iii) no structure for the keeping of such chickens shall be located within any required yard (see Chapter 10 of this Code); (**Ord. No. 2013-47-47, § 1, 4-8-2013**)
- (9) Temporary housing of not more than 30 homeless individuals within churches or other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;
- (10) Adult day care facilities when located within churches, other places of worship or community centers;

(11) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1-30-692.6.

(Code 1993, § 32-402.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2013-47-47, § 1, 4-8-2013)

Sec. 30-402.4. Lot area and width.

Single-family dwellings in the R-1 single-family residential district shall be located on lots of not less than 20,000 square feet in area with a width of not less than 100 feet (see article VI, division 3, of this chapter).

Sec. 30-402.5. Yards.

Yard regulations in the R-1 single-family residential district shall be as follows:

- (1) *Front yard.* There shall be a front yard with a depth of not less than 35 feet (see article VI, division 4, of this chapter).
- (2) *Side yards.* There shall be side yards of not less than ten 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 ten feet (see article VI, division 4, of this chapter).

Sec. 30-402.6. Lot coverage.

Maximum lot coverage in the R-1 single-family residential district shall not exceed 20 percent of the area of the lot.

Sec. 30-402.7. Height.

No building or structure in the R-1 single-family residential district shall exceed 35 feet in height (see article VI, division 6, of this chapter).

DIVISION 4. R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-406.1. 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-3 single-family residential district.

Sec. 30-406.2. 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-3 single-family residential district.

Sec. 30-406.4. Lot area and width.

Single-family dwellings in the R-3 single-family residential district shall be located on lots of not less than 10,000 square feet in area with a width of not less than 75 feet (see article VI, division 3, of this chapter).

Sec. 30-406.5. Yards.

Yard regulations in the R-3 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 7 1/2 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 7 1/2 feet (see article VI, division 4, of this chapter).

Sec. 30-406.6. Lot coverage.

Maximum lot coverage in the R-3 single-family residential district shall not exceed 25 percent of the area of the lot.

Sec. 30-406.7. Height.

No building or structure in the R-3 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 7.2.

R-8 URBAN RESIDENTIAL DISTRICT

Sec. 30-413.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the R-8 urban residential district is to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods. The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two and three stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling, through the conditional use permit process, 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 congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

Sec. 30-413.11. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-8 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 creating the R-8 district. **[NOTE: Adopted R-8 on: 2-22-2010]**
 - c. A plan of development shall be required as set forth in article X of this chapter for any development with more than eight newly constructed single-family attached dwellings.
- (3) Two-family detached dwellings.
- (4) Two-family attached dwellings, provided that not more than three two-family dwellings shall be attached laterally in a series.

Sec. 30-413.12. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the R-8 district by conditional use permit as set forth in article X of this chapter:

- (1) Multifamily dwellings, not to exceed four dwelling units, located on lots of not less than 1,500 square feet in area for each dwelling unit.
- (2) 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 40 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.
- (3) The following nondwelling uses occupying the ground floor of existing buildings, provided that the building devoted to any such use was, prior to *(May 19, 1943)*, originally constructed for or converted to commercial use, and provided further that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such use:
 - a. Art galleries, including custom framing in conjunction therewith.
 - b. Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.
 - c. Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.
 - d. Laundromats and laundry and dry cleaning pick-up stations.
 - e. Offices, including business, professional and administrative offices, and studios of writers, designers and artists engaged in the arts.
 - f. 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 or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building.
 - g. Video rental stores.
- (4) Dwelling units occupying space above the ground floor of existing buildings devoted to uses specified in subsection (3) of this section, provided that a total of not more than four such dwelling units shall be located in a building and that each dwelling unit shall contain not less than 600 square feet of floor area.

Sec. 30-413.13. 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-8 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.
 - 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. 30-413.14. Lot area and lot width.

Lot area and lot width regulations in the R-8 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. Lot width shall be not less than 25 feet, provided that in any case where an existing lot of record is to be split or subdivided into two or more lots and where, exclusive of such lot, the average width of the lots on the block is greater than 25 feet, the width of each lot created by the lot split or subdivision shall be not less than such average. This lot width provision shall not be applicable in a case where all of the frontage on a block is proposed to be re-subdivided.
- (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.
- (3) *Two-family detached and attached dwellings.* Two-family detached dwellings and two-family attached dwellings shall be located on lots of not less than 3,400 square feet in area with a width of not less than 28 feet.
- (4) *Maximum lot width for single and two-family dwellings.* No newly created lot devoted to single-family or two-family use shall exceed a width of 45 feet, whether such lot is created by combination of existing lots or by subdivision of any parcel.

Sec. 30-413.15. Yards.

Yard regulations in the R-8 district shall be as follows (see article VI, divisions 4 and 9, of this chapter):

- (1) *Front yard.* There shall be a front yard with a depth of not less than 10 feet and not greater than 18 feet, provided that:
 - a. On an interior lot where an existing building is located on one adjacent lot and there is no building on the other adjacent lot, the front yard shall be the same as the front yard provided for such existing building, except that if 50 percent or more of the lots on the block are developed with buildings having front yards that are not the same as the front yard of the existing building, the average of the front yards provided for all buildings on the block shall be the required front yard.
 - b. On a corner lot where an existing building is located on the adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building.
 - c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, except that if the front yard of the existing building furthest from the street more closely represents the average of the front yards for all buildings on the block, the front yard shall be the same as the front yard provided for the building furthest from the street.
- (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 or where the zero-lot-line option is utilized.
 - b. *All other uses and buildings.* There shall be side yards of not less than five feet in width.

- (3) *Side yard: zero-lot-line option.* One side yard for a single-family detached dwelling may be equal to zero, provided that:
- a. The side yard on the opposite side of the same lot shall be not less than six feet in width, and in no case shall the separation between buildings on abutting lots be less than six feet.
 - b. Not less than 50 percent of the overall depth of the dwelling unit shall be provided along the designated zero-lot-line, and doors, windows or similar openings in the building wall facing the designated zero-lot-line shall comply with the requirements of the uniform statewide building code.
 - c. A perpetual easement of not less than five feet in unobstructed width shall be provided on the adjacent lot to permit maintenance of structures abutting a zero-lot-line, which easement shall provide for encroachment of siding, belt courses, eaves, gutters, normal roof overhangs and similar architectural features. Such easement and the buildable area of each lot shall be shown on the subdivision plat, if applicable, and shall be described in the deed for each property.
 - d. For purposes of this subsection, a margin of error of not greater than two-tenths of one foot shall be applicable to the location of a structure abutting a designated zero-lot-line, provided that any encroachment onto an abutting lot shall be accommodated by a recorded easement.
- (4) *Rear yard.* There shall be a rear yard with a depth of not less than five feet.
- (5) *Location of accessory buildings.* Except as provided in section 30-680.1 of this chapter, accessory buildings shall be located only in a rear yard as defined in article XII of this chapter, but not within five feet of the rear lot line.

Sec. 30-413.16. Lot coverage.

Lot coverage in an R-8 district shall not exceed 65 percent of the area of the lot.

Sec. 30-413.17. Building orientation to street, and first floor elevation.

- (a) *Orientation to the street.* The architectural front of a building shall be oriented to the street and, in the case of a rectilinear street frontage, shall be parallel or nearly parallel to the street. In the case of a corner lot, such orientation shall be to the principal street frontage.
- (b) *Two-family dwelling exterior entrances.* In the case of a newly constructed two-family dwelling or conversion of an existing building to a two-family dwelling, there shall be not more than one exterior entrance oriented to a single street frontage, except in a case where an existing building contained more than one exterior entrance oriented to a single street frontage prior to conversion of the building to a two-family dwelling.
- (c) *First floor elevation.* The finished elevation of the first floor of a building devoted to dwelling use shall be not less than two feet above the mean grade level at the building facade along the street frontage of the lot or, in the case of a corner lot, along the principal street frontage of the lot.

Sec. 30-413.18. 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 subsection shall apply only along the principal street frontage of the lot.
- (b) *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.
- (c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

Sec. 30-413.19. Height.

Height regulations in the R-8 district shall be as follows:

- (1) *Maximum height in general.* No building shall exceed three stories in height. For purposes of this section, story height as defined in article XII of this chapter and as applicable to dwelling uses shall be not less than ten feet and not greater than 12 feet. (see section 30-680.4 of this chapter)
- (2) *Maximum height in special cases.* Where 60 percent or more of the lots on a block are developed with main buildings of less than three stories in height, no building hereinafter constructed on such block shall exceed two stories in height, except that on a lot where a main building on an adjacent lot along the same street frontage exceeds two stories in height, the height limit shall be three stories.
- (3) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos, attached garages and carports and similar structures attached to a main building may be of lesser height.
- (4) *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 facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

(Code 2004, § 30-413.1-.19; Ord. No. 2010-18-30, § 3, 2-22-2010)

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 12. R-MH MOBILE HOME DISTRICT

Sec. 30-422.1. Permitted principal uses.

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

- (1) Any principal use permitted in the R-1 district as set forth in section 30-402.1, subject to all requirements applicable to such uses in the R-6 district as set forth in division 7 of this article;
- (2) Manufactured home subdivisions on sites of not less than eight acres in area subject to all requirements applicable to single-family detached dwellings in the R-6 district as set forth in division 7 of this article;
- (3) Manufactured home parks on sites of not less than eight acres in area, provided that a plan of development shall be required as set forth in article X of this chapter.

(Code 1993, § 32-422.1; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.2. 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-MH district:

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 30-402.2;
- (2) Uses and structures accessory to manufactured home subdivisions, manufactured home parks and individual manufactured home units, including awnings, porches, carports, parking areas, service buildings, rental management offices, maintenance and storage buildings, recreational facilities, community buildings and other uses for the convenience of residents.

(Code 1993, § 32-422.2; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.4. Density and size of unit spaces within manufactured home parks.

The density and size of unit space within manufactured home parks in the R-MH district shall be as follows:

- (1) *Density*. The maximum density within a manufactured home park shall not exceed eight units per acre.
- (2) *Unit space area*. Individual spaces for manufactured home units shall be not less than 3,000 square feet in area.
- (3) *Unit space width*. Individual spaces for mobile home units shall be not less than 40 feet in width.

(Code 1993, § 32-422.4; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.5. Yards within manufactured home parks.

Regulations for yards within manufactured home parks in the R-MH district shall be as follows:

- (1) No manufactured home space or accessory building shall be located within 25 feet of any public street or any exterior boundary of a manufactured home park.
- (2) No manufactured home unit or accessory building shall be located within 15 feet of any private street or access drive.
- (3) No manufactured home unit shall be located within 15 feet of any other manufactured home unit or accessory building.

(Code 1993, § 32-422.5; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.6. Recreation space.

Outdoor recreation space totaling not less than 250 square feet in area for each manufactured home space within a manufactured home park shall be provided within such park.

(Code 1993, § 32-422.6; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.7. Screening.

Manufactured home parks shall be effectively screened from abutting properties in R and RO districts by evergreen vegetative or structural fences or screens not less than 4 1/2 feet in height.

(Code 1993, § 32-422.7; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 30-422.8. Height.

No building or structure within a manufactured home park shall exceed 25 feet in height.

(Code 1993, § 32-422.8; Ord. No. 2004-180-167, § 1, 6-28-2004)

DIVISION 18. UB URBAN BUSINESS DISTRICT

Sec. 30-433.1. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the UB urban business district is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

Sec. 30-433.2. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the UB district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development as set forth in article X of this chapter shall be required for such uses as specified in this section, and for construction of any new building or any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

- (1) Adult day care facilities;
- (2) Art galleries;
- (3) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;
- (4) Catering businesses, provided that not more than five persons are employed on the premises in the conduct of any such business;
- (5) Contractors' shops, service and supply establishments, wholesale and distribution establishments and similar uses, provided that the following conditions shall be met:
 - a. Portions of buildings adjacent to street frontages shall be devoted to office, showroom, display or other facilities accessible to the public, except that on a corner lot this provision shall apply only to the principal street frontage;
 - b. Not more than 2,000 square feet of floor area shall be used for warehouse purposes;
 - c. There shall be no outside storage of equipment, materials or supplies;
 - d. No service or delivery vehicle exceeding an empty weight of 6,500 pounds shall be used in connection with such use;
- (6) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (7) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 50 pounds dry weight and the total capacity of all laundry machines shall not exceed 125 pounds dry weight;

(8) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

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

(10) Laundromats and laundry and dry cleaning pick-up stations;

(11) Libraries, museums, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

(11.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(12) Office supply, business and office service, photocopy and custom printing establishments, provided that not more than five persons are employed on the premises in the conduct of any printing establishment;

(13) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(14) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(15) Parking decks and parking garages, 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;

b. Except as provided in paragraph (a) of this subsection (15), 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 for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage 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;

(Ord. No. 2011-205-2012-1, 1-9-2012)

(16) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments; provided that not more than five persons are employed on the premises in the conduct of any repair or fabrication activity;

(17) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(18) Postal and package mailing services, but not including package distribution centers;

(19) Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(20) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(21) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. 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 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 any R district;

b. 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;

c. 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;

(22) Retail stores and shops;

(23) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(24) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(25) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building, no internal combustion engine shall be repaired or serviced, and not more than five persons shall be employed on the premises in the conduct of any service or repair activity;

(26) Shopping centers containing uses permitted in this district;

(27) Tourist homes;

(28) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of sections 30-692.1 through 30-692.6, provided that a plan of development shall be required as set forth in article X of this chapter;

(29) Accessory uses and structures, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-433.2; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

Sec. 30-433.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the UB district by conditional use permit as set forth in article X of this chapter:

- (1) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

30-433.4. Reserved.

Editors Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-433.3, which pertained to plan of development requirements and derived from Code 1993, § 32-433.3.

Sec. 30-433.5. Yard requirements.

The following yard requirements shall be applicable in the UB urban business district (see article VI, division 4, of this chapter for supplemental yard regulations):

- (1) *Front yard.* No front yard shall be required, except that no newly constructed building or addition to an existing building shall extend closer to the street than any building on an abutting lot. In no case shall a front yard greater than 15 feet in depth be required on any lot.
- (2) *Side yards.* No side yards shall be required, except that where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten 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 20 feet in depth.

Sec. 30-433.6. Screening requirements.

(a) In the UB urban business district, where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen of not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall of not less than four 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 planted at such intervals that will result in a continuous visual screen within one year of planting.

(b) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-433.7. 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 in the UB urban business district shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(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 subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) 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.

Sec. 30-433.8. Height limit.

In the UB urban business district, no building or structure shall exceed 28 feet in height (see article VI, division 6, of this chapter for height exceptions).

DIVISION 18.1. UB-2 URBAN BUSINESS DISTRICT

Sec. 30-433.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the UB-2 urban business district is to encourage business areas with mixed uses and a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to be more intensive and more mixed use in character than the UB urban business district. It is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas, and to promote continuity of building setbacks and heights and to encourage an active pedestrian environment by providing for windows in building facades along principal street frontages. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.11. Permitted principal and accessory uses.

The uses of buildings and premises listed in this section shall be permitted in the UB-2 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development as set forth in article X of this chapter shall be required for such uses as specified in this section, and for construction of any new building or any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Art galleries;

(3) Banks, savings and loan offices and similar financial services, including accessory ATM's accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any ATM accessible from the exterior of a building;

(4) Catering businesses;

(5) Day nurseries licensed by and subject to the requirements of the state department of social services;

(6) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight;

(7) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of

other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other permitted principal uses, and such uses shall have a depth of not less than 20 feet along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2011-205-2012-1, 1-9-2012)

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

(9) Hotels, provided that:

a. No such use shall be located on a transitional site.

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length.

c. The ground floor of portions of buildings adjacent to principal street frontages shall be devoted to those uses specified in subsections (2), (3), (8), (16), (22) or (23) of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use. (Ord. No. 2011-205-2012-1, 1-9-2012)

d. A plan of development shall be required as set forth in article X of this chapter.

(Ord. No. 2009-40-57, § 1, 4-27-2009)

(10) Laundromats and dry cleaning pick up stations;

(11) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(11.1) Nightclubs lawfully existing on the effective date of this provision, provided that no nightclub use shall be enlarged to occupy a greater floor area than was occupied by the use on the effective date of this provision, and provided further that if such use is discontinued for a period of two years or longer, it shall no longer be considered a permitted use. (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)

(12) Office supply, business and office service, photocopy and custom printing establishments;

(13) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts;

(14) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way, and provided further that a plan of development shall be required as set forth in article X of this chapter for construction of any parking area for five or more vehicles which is accessory to and located on the same lot as a use for which a plan of development is required;

(15) Parking decks and parking garages, 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 (15), 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 for each 300 parking spaces or major fraction thereof contained within the structure, and any card reader or other access control device at an entrance to a parking deck or parking garage 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.

(16) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(17) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(18) Postal and package mailing services, but not including distribution centers;

(19) Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

(20) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(21) Recreation and entertainment uses, including theaters, museums and amusement centers; when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(22) Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. 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 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 any R district.

b. 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.

c. 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.

(23) Retail stores and shops;

(24) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses, unless owned or operated by a government agency;

(25) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(26) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced;

(27) Shopping centers containing uses permitted in this district;

(28) Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(29) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia;

(30) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, in accordance with the additional requirements of sections 30-692.1--30-692.6 of this chapter, provided that a plan of development shall be required as set forth in article X of this chapter;

(31) Accessory uses and structures, including ATM's accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.11.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the UB-2 district by conditional use permit as set forth in article X of this chapter:

(1) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-433.12. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the UB-2 district shall be subject to the provisions of section 30-800.1 of this chapter.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.13. Yard requirements.

The following yard requirements shall be applicable in the UB-2 urban business district (see article VI, division 4, of this chapter for supplemental yard regulations):

(1) *Front yard.*

a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.

b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-433.11 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the director of planning and development review prior to approval of such plan of development by the director.

e. A building entrance feature that is set back from the street a greater distance than the primary building facade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection.

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten 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 20 feet in depth.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.14. Screening requirements.

(a) In the UB-2 urban business district, where a side or rear lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen of not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall of not less than four 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 planted at such intervals that will result in a continuous visual screen within one year of planting.

(b) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

(Ord. No. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.15. 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 in the UB-2 urban business district shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply only along the principal street frontage of the lot as defined in section 30-1220.

(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 subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (1) and (2) 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. 2008-2-55, § 1, 3-24-2008)

Sec. 30-433.16. Height limit.

Height regulations in the UB-2 district shall be as follows:

(1) *Maximum height in general.* No building shall exceed three stories in height, provided that where an existing building on the same lot or on an adjacent lot along the same street frontage is greater than three stories in height, no building shall exceed four stories in height. For purposes of this section 30-433.16, story height as defined in Article XII of this chapter shall be not less than ten feet and not greater than 14 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Maximum height in special cases.*

a. Where greater than 50 percent of the lineal block frontage is comprised of lots occupied by existing buildings of greater than three stories in height, the maximum permitted height shall be four stories.

b. Where there are no buildings existing on an entire block at the time of development, or where there are existing buildings to be retained and vacant land to be developed on an entire block, and where the entire block is to be developed under the same ownership or control pursuant to an overall development plan, the maximum permitted height shall be four stories.

(Ord. No. 2010-19-31, § 3, 2-22-2010)

(3) *Maximum roofline limited to roofline nearest to street frontage.* In any case where a newly constructed building or addition to an existing building is permitted to exceed three stories in height pursuant to subsections (1) or (2)(a) of this section, the roofline nearest to the street frontage of the lot shall be the maximum permitted roofline of the building.

(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. [Ord. No. 2010-177-173, § 1, 10-11-2010]

(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. 2008-2-55, § 1, 3-24-2008, Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-433.17. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the UB-2 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.

For nondwelling uses, other than those listed in subsections 30-433.11 (1), (5), (11) and (29), 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 façade along the street frontage of the lot, a minimum of 30 percent of the building façade 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 façade along the street frontage of the lot, the requirements of this subsection (1) shall not apply.

(Ord. No. 2009-40-57, § 1, 4-27-2009; Ord. No. 2011-205-2012-1, 1-9-2012)

(2) Upper stories.

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsections 30-433.11 (1), (5), (11) and (29), 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.

b. *Dwelling uses.* For dwelling uses, 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. Such 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.

(Ord. No. 2008-2-55, § 1, 3-24-2008; Ord. No. 2011-205-2012-1, 1-9-2012)

DIVISION 21. B-3 GENERAL BUSINESS DISTRICT

Sec. 30-438.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-3 district, provided that no use which includes a drive-up facility shall be located on a transitional site.

A plan of development shall be required as set forth in article X of this chapter for: such uses as specified in this section; any use with drive-up facilities; and any newly constructed building with greater than 50,000 square feet of floor area; provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

(2) Adult entertainment establishments, adult book stores, adult motion picture theaters and massage parlors; provided that the property devoted to any such use shall not be situated within 1,000 feet of property in an R or RO district, nor within 1,000 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, tourist home, day care center, nursing home, hotel, motel or other adult entertainment establishment, adult book store, adult motion picture theater or massage parlor;

(3) Art galleries;

(4) Auto service centers, provided that no such use shall be located on a transitional site, and provided further that the following conditions are met for any such use that includes facilities for dispensing motor fuels:

a. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

b. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

c. A plan of development shall be required as set forth in article X of this chapter.

(5) Auto, truck, motorcycle, boat, trailer, recreational vehicle, manufactured home and construction equipment sales, rental, service, storage and general repair, and body repair and painting, convertible top and seat cover repair and installation; provided that:

a. No such use shall be located on a transitional site;

b. All facilities involving general repair, body repair and painting and convertible top and seat cover repair and installation shall be located within completely enclosed buildings;

c. No dismantled or junked vehicle unfit for operation on the streets shall be parked or stored outside of an enclosed building;

d. All outdoor areas devoted to storage or display shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13(1) and (2) of this chapter;

e. A plan of development shall be required as set forth in article X of this chapter.

(6) Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible from the interior or exterior of buildings devoted to such uses, provided that a plan of development shall be required as set forth in article X of this chapter for any automated teller machine accessible from the exterior of a building;

(7) Building materials and contractors' sales and storage yards and similar uses involving outside storage of materials or products other than scrapped or junked materials, provided that:

- a. No such use shall be located on a transitional site;
- b. Areas devoted to storage shall be enclosed by opaque fences or walls not less than six feet in height.

(8) Catering businesses;

(9) Churches and other places of worship, which may include the serving of food for charitable or fellowship purposes, and as an accessory use the temporary housing of not more than 30 homeless individuals within churches and other places of worship, subject to meeting applicable building code and fire code requirements, for up to a total of seven days and only within the time period beginning on October 1 of any year and ending on April 1 of the following year;

(10) Communications centers and telephone repeater stations operated by public service corporations;

(11) Contractors' shops, offices and display rooms;

(12) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;

(13) Drive-in theaters, provided that:

- a. No such use shall be located on a transitional site;
- b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;
- c. Theater screens shall be located so as not to face any street or public area;
- d. A plan of development shall be required as set forth in article X of this chapter.

(14) Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

(15) Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see section 30-800.1 for provisions for nonconforming dwelling uses); (Ord. No. 2013-237-225, § 1, 12-9-2013)

(16) Funeral homes;

(17) Furniture repair and upholstery shops;

(18) Greenhouses and plant nurseries;

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

(20) Hospitals, but not psychiatric hospitals for the care of patients committed by a court, provided that a plan of development shall be required as set forth in article X of this chapter;

(21) Hotels and motels, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 25,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. A plan of development shall be required as set forth in article X of this chapter.

(22) Janitorial and custodial service and supply establishments;

(23) Laboratories and research facilities which are not any more objectionable due to smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district, and which do not involve any manufacturing, processing or fabrication other than that incidental to testing or research activities conducted on the premises;

(24) Laundromats and laundry and dry cleaning pick-up stations;

(25) Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a nonprofit organization;

(26) Marinas, provided that a plan of development shall be required as set forth in article X of this chapter; and boathouses, piers and docks;

(27) Motor fuels dispensing in conjunction with other uses permitted in this district, provided that:

a. No such use shall be located on a transitional site;

b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;

c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;

d. A plan of development shall be required as set forth in article X of this chapter.

(28) Nursing homes, provided that a plan of development shall be required as set forth in article X of this chapter;

(29) Office supply, business and office service, photocopy and custom printing establishments;

(30) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

(31) Parking areas and parking lots, provided that any card reader or other access control device at an entrance to a parking area or parking lot shall be provided with not less than one stacking space situated off the public right-of-way;

(32) 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 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 subdivision 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;

b. Not less than one exit lane and one entrance lane shall be provided for each 300 parking spaces or major fraction thereof contained within the structure, and any 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;

c. Except as provided in subdivision (a) of this subsection (25), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

d. A plan of development shall be required as set forth in article X of this chapter.
(Ord. No. 2013-237-225, § 1, 12-9-2013)

(33) Personal loan and financial services;

(34) Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(35) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

(36) Postal and package mailing services;

(37) Printing, publishing and engraving establishments;

(38) Private elementary and secondary schools having curricula substantially the same as that offered in public schools;

(39) Professional, business and vocational schools;

(40) Public utilities installations, equipment buildings and passenger terminals for public transportation, including servicing of motor vehicles used in connection therewith when such servicing is conducted within a completely enclosed building, and provided that no passenger terminal shall be located on a transitional site;

(41) Radio and television broadcasting studios and offices, including accessory antennas, provided that the supporting hardware for any such antenna does not exceed 15 feet above ground level, or in the case of a building mounted antenna, 15 feet above the surface of the building on which it is mounted, and that a plan of development as set forth in article X of this chapter shall be required for any ground-mounted antenna;

(42) Recreation and entertainment uses, including theaters, museums, amusement centers, bowling alleys, lodges and clubs, meeting facilities, auditoriums and assembly halls, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

(43) Recreation uses, outdoor, including golf courses, par three and miniature golf courses, driving ranges, putting greens, temporary carnivals and similar amusement facilities, but not including shooting ranges; provided that:

- a. No such use shall be permitted on a transitional site;
- b. Such use shall be so located, designed and operated that noise from equipment, machinery or loudspeaker systems is not audible from nearby properties in R or RO districts;
- c. A plan of development shall be required as set forth in article X of this chapter.

(44) Repair businesses conducted within completely enclosed buildings;

(45) Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction therewith. 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 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 any R district;
- b. 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;
- c. 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.

(46) Retail stores and shops, provided that not more than 70 percent of the floor area may be devoted to storage of merchandise to be sold at retail on the premises;

(47) Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices;

(48) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

(49) Self-service auto washing facilities and automatic auto washing facilities operated by attendants, provided that:

- a. No such use shall be located on a transitional site;
- b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
- c. Doors, curtains or screens shall be installed as necessary to prevent water spray from blowing onto adjacent properties;
- d. A plan of development shall be required as set forth in article X of this chapter.

(50) Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

(51) Service stations; provided that:

- a. No such use shall be located on a transitional site;
- b. The area of the lot devoted to such use shall be not less than 10,000 square feet, and no property line coincidental with a street line shall be less than 100 feet in length;
- c. Notwithstanding other provisions of this chapter regarding yards, pump islands for dispensing motor fuels may be located within required yards adjacent to streets, but not within 20 feet of any street or property line. Marquees, cantilevers and similar roofs over pump islands may extend to within ten feet of street lines;
- d. A plan of development shall be required as set forth in article X of this chapter.

(52) Shopping centers containing uses permitted in this district, provided that a plan of development shall be required as set forth in article X of this chapter;

(53) Tire recapping and vulcanizing shops, provided that no such use shall be located on a transitional site;

(54) Tourist homes;

(55) Travel trailer parks and campgrounds, provided that no such use shall be located on a transitional site, and provided further that a plan of development shall be required as set forth in article X of this chapter;

(56) Truck and freight transfer terminals, provided that:

- a. No such use shall be located on a transitional site;
- b. Principal points of vehicular access to the premises shall be located on arterial or collector streets as designated in the city's master plan;
- c. All outdoor areas devoted to truck or trailer storage or parking shall be provided with landscaped buffers along streets in accordance with the standards applicable to parking areas and parking lots set forth in subsections 30-710.13 (1) and (2) of this chapter;
- d. A plan of development shall be required as set forth in article X of this chapter.

(57) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia;

(58) Wholesale, warehouse and distribution establishments with not more than 20,000 square feet of floor area devoted to storage of goods;

(59) Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

(60) Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-438.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006)

[Editors Note: Ord. No. 2004-180-167, § 2, adopted June 28, 2004, repealed § 30-438.1:1, which pertained to principal uses permitted by conditional use permit and derived from Code 1993, § 32-438.1:1.]

Sec. 30-438.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-3 district by conditional use permit as set forth in article X of this chapter:

- (1) Adult care residences;
- (2) Group homes;
- (3) Lodginghouses;
- (4) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)
- (5) Shelters;
- (6) Social service delivery uses;
- (7) Retail sales of liquor.

(Ord. No. 2004-240-229, § 1, 9-13-2004; Ord. No. 2011-29-150, § 12, 9-12-2011)

Sec. 30-438.3. Yards.

Yard regulations in the B-3 district shall be as follows:

- (1) *Front yard.* No front yard shall be required (see art. VI, div. 4 of this chapter).
- (2) *Side yard.* No side yards shall be required, except that where a side lot line abuts a property in an R or RO district there shall be a side yard of not less than ten 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 20 feet in depth.
- (4) *Yards adjacent to dwelling uses and shelters.* Side and rear yards adjacent to dwelling uses and shelters, other than dwelling units contained within the same building as other permitted principal uses, shall be not less than 15 feet in depth.
- (5) *Spaces between buildings on the same lot.* 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.

Sec. 30-438.3:1. Floor area and usable open space.

In the B-3 general business district, the following floor area and usable open space ratios shall be applicable to dwelling uses and shelters, other than dwelling units contained within the same building as other permitted principal uses (see section 30-1220):

- (1) *Floor area ratio.* The floor area ratio shall not exceed 2.0.
- (2) *Usable open space ratio.* A usable open space ratio of not less than 0.25 shall be provided.

Sec. 30-438.4. Screening.

Screening regulations in the B-3 general business 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 not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four 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 planted at such intervals that will result in a continuous visual screen within one year of planting.
- (2) Where a use prohibited on a transitional site is situated across an alley from the side lot line of property in an R district, there shall be an opaque structural fence or wall not less than four feet in height erected along the alley line, but not within 15 feet of any street line.
- (3) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-438.5. Height.

No building or structure shall exceed 35 feet in height in the B-3 general business district, provided that additional height, not to exceed a total height of 60 feet, shall be permitted when all yards exceed the minimum required by not less than one foot for each one foot of building height in excess of 35 feet and provided, further, that no additional height shall be permitted on a transitional site.

ARTICLE 5. "R-1A" SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "R-1A" Single-Family Residence District. The purpose of this district is to provide for single-family residential development of relatively more spacious character, generally in outlying areas, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or area normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs; including temporary stands for seasonal sales of products raised on the premises; but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures, to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises;
- (2) Single-family dwellings;
- (3) Churches and parish halls, temples, convents and monasteries;
- (4) Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning;
- (4.1) Private nursery school.

*"Area" is defined here as one or more contiguous parcels, or parts thereof, falling under the same zoning classification district.

- (5) Home occupations;
- (6) Nonprofit libraries or museums and art galleries;
- (7) Public parks, playgrounds, golf courses (except miniature golf courses, putting greens, driving ranges and similar activities operated as a business); nonprofit, nongovernmental public recreation and community buildings;
- (8) Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers and fueling, sanding and watering stations;
- (9) Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner;
- (10) Accessory building and uses including, but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbeque grills, customary church bulletin boards or identification signs not exceeding sixteen (16) square feet in area for permitted public and semipublic uses, accessory storage, and accessory off-street parking and loading spaces. (Ord. No. 82-99, 11-16-82)

Supp. No. 2

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, which chart, and all notifications and requirements shown therein, shall be a part of this ordinance and have the same force and effect as if all the notifications and requirements set forth therein were fully set forth or described therein.

Section 4. Off-street parking regulations.

The parking regulations for permitted uses are contained in article 19.

Section 5. Off-street loading regulations.

The off-street loading regulations for permitted uses are contained in article 20.

Section 6. Supplementary use regulations.

Supplementary use regulations are contained in article 23.

Section 7. Supplementary height, area and bulk regulations.

Supplementary height, area and bulk regulations are contained in article 25.

ARTICLE 6. “R-1” SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-1” Single-Family Residence District. The purpose of this district is to provide for single-family residential development of relatively spacious character, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of high character, and contains vacant land considered appropriate for such development in the future.

Section 2. Use regulations.

The use regulations are the same as those in “R-1A” Single-Family Residence District.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 7. “R-2” SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-21” Single-Family Residence District. The purpose of this district is to improve for single-family residential facilities and accessory uses, as may be necessary, or are normally compatible with residential surroundings. The district is located to protect existing development of this character, and contains vacant land considered appropriate for such development in the future.

Section 2. Use regulations.

The use regulations are the same as those contained in the “R-1A” Single-Family Residence District.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 8. “R-3” TWO-FAMILY RESIDENCE DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “R-3” Two-Family Residence District. The purpose of this district is to maintain a generally spacious residential environment, but at the same time permit a variety of housing types. Population density and height of buildings are low enough to be compatible with neighboring single-family development. Permitted community facilities are the same as for the one-family districts.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “R-1A” Single-Family Residence District;
- (2) Institutions of an educational or religious nature;
- (3) Two-family dwellings

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

- Article 19, Off-street parking regulations;
- Article 20, Off-street loading regulations;
- Article 23, Supplementary use regulations;
- Article 25, Supplementary height, area and bulk regulations.

ARTICLE 15. "B-2" GENERAL COMMERCIAL DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "B-2" General Commercial District. The purpose of this district is to provide sufficient space in inappropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing. (Ord. No. 94-140, 11-15-94)

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "B-1" Shopping Center District and "RB" Office-Apartment District;
- (2) Amusement place in an enclosed building, auditorium or theater, except open air drive-in theaters;
- (3) Athletic field or baseball field;
- (4) Bottling works; dyeing and cleaning works or laundry; plumbing and heating shop; painting shop; upholstering shop, not involving furniture manufacture; tinsmithing shop; tire sales and service, including vulcanizing, but no manufacturing; appliance repairs; and general service and repair establishments similar in character to those listed in this item; provided, that no outside storage of material is permitted; and further provided, that no use permitted in this item shall occupy more than six thousand (6,000) square feet of floor area;

- (5) Bowling alleys and billiard parlors;
- (6) Food storage lockers;
- (7) Hotels, motels, and motor hotels containing forty-five or more units only;
- (8) Outdoor advertising structure or sign. Any sign or display in excess of one hundred (100) square feet in area shall be attached flat against a wall of a building.
- (9) Bus terminals;
- (10) Printing, publishing, and engraving;
- (11) Stone yard or monumental works located within three hundred (300) feet of a cemetery;
- (12) Accessory buildings and uses;
- (13) Family day care home;
- (14) Child care center;
- (15) Private nursery school;
- (16) Adult book store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater or adult video store;
- (17) Adult entertainment establishment, provided that the property devoted to such use shall not be situated within five hundred (500) feet of any property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (18) Adult motion picture theater, provided that; the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of

any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;

- (19) Adult video store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate, or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store.

Notwithstanding any other provisions of the Petersburg Zoning Ordinance, a building or premises may be used for an adult book store, and adult entertainment establishment, and adult motion picture theater, or an adult video store, as restricted and limited by this section, only in the "B-2" General Commercial District with the issuance of a Special Use Permit and in no other zoning district established by the Petersburg Zoning Ordinance.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition, the following regulations shall apply:

- (1) There shall be a side yard not less than five (5) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district. Existing alley at rear will eliminate this requirement;
- (3) The lot area requirements for dwellings are the same as those in the "R-5" Multiple Dwelling District.

Section 4. Reference to additional regulations.

The regulations contained to this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

Article 19, Off-street parking regulations;
Article 20, Off-street loading regulations;
Article 23, Supplementary use regulations;
Article 25, Supplementary height, area and bulk regulations.

ARTICLE 17. “M-1” LIGHT INDUSTRIAL DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the “M-w” Light Industrial District. This district is intended primarily for light manufacturing, fabricating, warehousing and wholesale distributing, in low buildings, with off-street loading, and off-street parking for employees, and with access by major streets or railroads, in either central or outlying locations.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the “B-2” General Commercial District, except dwellings, hospitals, institutions, or other buildings used for permanent or temporary housing of persons, except as described in (a) and (b) of this subsection, below:
 - (a) Dwellings for resident watchmen and caretakers employed on the premises;
 - (b) Accessory farm dwellings on a farm of ten (10) acres or more;
- (2) The following uses, and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted; such permitted uses being generally wholesale and retail trade, service industries, light industries that manufacture, process, store and distribute goods and materials and are, in general, dependent on raw materials refined elsewhere, and manufacture, compounding, processing, packaging or treatment, as specified, of the following products or similar products:

Chemicals, petroleum, coal and allied products.

Cosmetics and toiletries;
Ice manufacture, including dry ice;
Ink manufacture (mixing only);
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds;
Laboratories;
Perfumes and perfumed soap (compounding only);
Pharmaceutical products;
Soap, washing, cleaning, powder or soda (compounding only).

Clay, stone and glass products.

Clay, stone and glass products;
Concrete products (except central mixing and proportioning plant);
Pottery and porcelain products (electric or gas fired).

Food and beverages.

Bakery products, wholesale (manufacturing permitted);
Beverage blending, bottling (all types);
Candy, wholesale (manufacturing permitted);
Chewing gum;
Chocolate, cocoa and cocoa products;
Coffee, tea and spices processing and packaging;
Condensed and evaporated milk processing and canning;
Creamery and dairy operations;
Dairy products;
Fish, shrimp, oyster and other seafood processing, packing and storing, except fish curing;
Flour, feed and grain (packaging, blending and storage only);
Fruit and vegetable processing (including canning, pre-serving, drying and freezing);
Gelatin products;
Glucose and dextrine;
Grain blending and packaging, but not milling;
Ice cream, wholesale (manufacturing permitted);
Macaroni and noodle manufacture;
Malt products manufacture (except breweries);
Meat products, packing and processing (no slaughtering);
Oleomargarine (compounding and packaging only);

Metals and metal products.

Agriculture or farm implements; Aircraft and aircraft parts;
Aluminum extrusion, rolling, fabrication and forming;
Automobile, truck trailer, motorcycle and bicycle assembly;
Boat manufacture (vessels less than five (5) tons);
Bolts, nuts, screws, washers and rivets;
Container (metal);
Culvert;
Firearms;
Foundry products manufacture (electrical only);
Heating, ventilating, cooking and refrigeration supplies and appliances;
Iron (ornamental) fabrication;
Machinery manufacture;
Nails, brads, tacks, spikes and staples;
Needle and pin;
Plating, electrolytic process;
Plumbing supplies; Scale and fault;
Sheet metal products;
Silverware and plated ware;
Stove and range;
Tool, die, gauge and machine shops;
Tools and hardware products;
Vitreous enameled products.

Textiles, fibers and bedding.

Bedding (mattress, pillow and quilt);
Carpet, rug or mat;
Hat bodies of fur and wool felt (including men's hats) manufacture;
Hosiery mill;
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods;
Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing);
Yarn, threads and cordage.

Wood and paper products.

Basket and hamper (wood, reed, rattan, etc.);
Box and crate;
Cooperage works (except cooperage stock mill);
Furniture (wood, rattan, reed, etc.);
Pencils; Planing and millwork;
Pulp goods, pressed or molded (including papier mache products);
Shipping container (corrugated board, fiber or wire bound);
Trailer, carriage and wagon; Wood products.

Unclassified uses.

Animal pound;
Animal, poultry and bird raising, commercial;
Building materials (cement, lime (in bags or containers), sand, gravel, shell, lumber and the like) storage and sales;
Carbon paper and inked ribbons manufacture;
Cigar and cigarette manufacture;
Cleaning and dyeing of garments, hats and rugs;
Exposition building or center;
Fairgrounds;
Fur finishing;
Greenhouses, wholesale;
Industrial vocational training school, including internal combustion engines;
Kennels;
Laboratories, research experimental, including combustion-type motor testing;
Leather goods manufacture, but not including tanning operations;
Laundries;
Livery stables and riding academy;
Market, wholesale;
Motion picture production;
Ophthalmic goods;
Plastic fabrications;
Printing, publishing and engraving;
Produce and storage warehouse;
Railroad switching yard primarily for railroad service in the district;
Theater, including a drive-in or outdoor theater;
Tobacco products, processing, storage and treatment;
Truck or transfer terminal, freight;
Wholesale houses and distributors.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) There shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district;
- (3) Whenever any building in the “M-1” Light Industrial District adjoins or abuts upon a residential district, such building shall not exceed two (2) stories nor thirty-five (35) feet in height, unless it is set back one foot from all required yard lines for each one foot of additional height above thirty-five feet.

Section 4. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following:

Article 19, Off-street parking regulations;
Article 20, Off-street loading regulations;
Article 23, Supplementary use regulations;
Article 25, Supplementary height, area and bulk regulations.



TERMS AND CONDITIONS FOR THIS AUCTION
(Applies to City of Richmond Tax Delinquent Properties – Offerings 1-60)
May 16, 2018 City of Richmond Tax Delinquent & Property Sale

Registration:

All bidders shall be required to certify that he or she does not own, directly or indirectly, any real estate with an outstanding Notice of Violation under the local environmental, zoning or building code or outstanding real estate or other taxes to the City of Richmond. In the event the tax delinquent property is subject to a Notice of Violation under the Virginia Uniform Statewide Building Code, City Zoning Code or Environmental Codes, the bidder shall be required to submit a written work schedule and plan to abate all violations, which shall be approved by the appropriate department, in its sole discretion. The acceptance of the bid by the Special Commissioner shall not be construed as limiting any powers vested in the City. The successful bid is subject to confirmation by the aforementioned Circuit Court pursuant to Section 58.1-3969 of the Code of Virginia. Settlement shall occur at the time of the confirmation by the Circuit Court; otherwise Special Commissioner may forfeit deposit and avail themselves of any other legal or equitable right against the defaulting Purchaser, including costs of resale and any deficiency resulting from resale. Special Commissioner's Properties are sold subject to Court Confirmation. Additional terms may be announced at sale. **Registration will begin at 3 PM EST on Sale Day (May 16, 2018) and the sale will start at 4 PM EST.**

Deposit Amount:

Registered bidders must present on auction day an initial deposit of \$2,500 or 20% of the Total Purchase Price, whichever is greater. (Total Purchase Price is calculated as the high bid plus the 10% Buyer's Premium). Deposit must be cash, certified or cashier's check made payable to Motleys Asset Disposition Group. The deposit may also be made by personal/company check accompanied by an irrevocable letter of guarantee with the current date on bank letterhead. *Sample Bank Letter: "This irrevocable letter of guarantee will guarantee checks made payable to Motleys Asset Disposition Group and is issued to _____ (customer's name) who is a customer of this bank. This bank will guarantee unconditional payment to Motleys Asset Disposition Group on account # _____ up to the amount of \$ _____."*

If the deposit, online or in-person, is not confirmed and processed at the time of sale, Motleys reserves the right to immediately reauction the property. This will be considered a default by the buyer (see "Default by Buyer").

Motleys reserves the right to revoke all bidding privileges for any buyer, online or in-person, that does not fully comply with all terms and conditions set forth in this auction.

NOTE: Any buyer anticipating large purchases (in excess of \$100,000) should notify Motleys of their intent before the auction. Failure to do so may limit or terminate any future bidding activity from that buyer.

Buyer's Premium:

A Buyer's Premium of ten percent (10%) will be added to the high bid and included in the total selling price paid by the buyer.

Closing: All properties are being sold subject to court confirmation. **Court hearing for confirmation is anticipated to occur on July 27, 2018. The balance of purchase price and "required documents" are due by close of business on June 18, 2018.** Closing is to occur after court confirmation. Upon settlement, buyer will be provided a Special Warranty Deed or a Special Commissioner's Deed for the property with adjustment of real property taxes made as of the date of sale and all fees and prorated taxes to be paid by Purchaser. Risk of loss shall be upon Purchaser from time of confirmation by the Circuit Court. **TIME IS OF THE ESSENCE.**

Broker Co-op: A three percent (3%) Broker Participation Fee will be paid to brokers who represent the winning bidder on the property. Broker participation forms must be received 24 hours prior to auction. Please see Broker Participation Form for full details. For a Broker Participation fee to be paid & be qualified, the high bid of the property must be \$20,000.00 or higher.

Auctioneer's Authority on Bidding Procedures and Bidding:

Bidding Procedures: Open and verbal. Announcements made on the day of the auction will take precedence over all printed material or oral statements made. (1) Method, order of sale, and bidding increments shall be at the sole discretion of the auctioneer. (2) The auctioneer reserves the right to delete or add additional properties at his discretion. (3) Auctioneer may act to protect the seller's reserve, as an agent of the seller, by bidding through the auctioneer. (4) The auctioneer may open bidding on any property below the reserve by placing a bid on behalf of the seller. (5) The auctioneer may continue to bid on behalf of the seller up to the amount of the reserve, either by placing consecutive bids or by placing bids in response to other bidders. The auctioneer shall have absolute and sole discretion in the order and conduct of the auction. The auctioneer has the authority, at his sole and absolute discretion, to deviate from, change, alter, or modify, the bidding procedures and conduct of the auction at any time including after commencement of the auction.

Bidding: All Bidding is open to the public without regard to race, color, sex, religion, or national origin. As used in these conditions of sale the term "the final bid" means the highest bid acknowledged by the auctioneer, and the term "purchase price" means the sum of the final bid and the buyer's premium. The highest bidder acknowledged by the auctioneer shall be the buyer. The auctioneer has the right to reject any bid or raise any bid which, in his opinion, is not commensurate with the value of the property being offered. The auctioneer may advance the bidding at his absolute discretion and, in the event of any dispute between bidders, may determine the successful bidder or re-offer and resell the property in dispute. Should there be any dispute after the sale; record of final sale shall be conclusive.

Bidder's Card: All Bidders are required to have a Bidder's Number to bid. To obtain a Bidder's Number, a registration form must be filled out giving full name, address and phone number. This information must be verified by proper identification. Evidence of correct form of deposit must be made in order to register at the auction.

Bid Execution: Bids which are submitted to Auctioneer in writing or otherwise left with Auctioneer prior to an auction (Order Bids) for execution at or below a specified price shall be entertained and executed by Auctioneer for the convenience of bidders. Auctioneer shall not be responsible for failing to execute such bids or for errors relating to the execution of such bids.

Buyer's Premium: A 10% buyer's premium shall be paid by the Buyer and will be added to the final bid on the property.

<u>Example:</u>	High bid on property is:	\$100,000
	Add 10% buyer's premium:	<u>+ 10,000</u>
	Total on Sales Contract:	\$110,000

Closing Costs: The deed shall be prepared and acknowledged by Seller at Seller's expense and recorded at the expense of Buyer. The buyer shall pay all title searches, title insurance charges, survey expenses, usual conveyance expenses, and recordation taxes, including the Grantor's Tax. Real estate taxes, water and sewer charges, if any, will be prorated as of the date of closing.

Title: Title to the offered property shall pass to the buyer at formal settlement.

Possession: Possession shall be delivered at the time of confirmation of the bid by the Court and recordation of the deed. If said premises are tenanted or subject to a tenancy in whole or in part at the time of final settlement, possession shall be delivered subject to such tenancy.

Financing: Sale of the property is not contingent upon the buyer obtaining financing.

Acknowledgement of Code Violations: The Buyer acknowledges that by purchasing the Property he/she assumes responsibility for abatement of building, environmental, zoning or other City Code violations that may exist on the Property and agrees to contact the appropriate City Department within sixty (60) days of the purchase of the Property to provide an abatement plan for any Code violations.

Default by Buyer: In the event that Buyer does not provide the balance of the purchase price to Seller by close of business on **June 18, 2018**, in addition to other remedies provided to Seller under this Agreement, Buyer shall be liable to Seller in the additional amount of \$250.00 until such time as Seller declares Buyer to be in default. The parties agree and acknowledge that such amount is liquidated damages, calculated to compensate Seller, and is not a penalty.

Additionally, should Buyer fail to make settlement as provided in this Agreement, Buyer shall be deemed in default and the Buyer's Deposit may be retained by Seller, either on account of the purchase money or as compensation for the damages and expenses Seller has incurred, as Seller shall elect. In the latter event, Seller's and Auction Firm's liability hereunder to Buyer shall absolutely cease. In the alternative, Seller may resort to any other action or remedy in law or equity that may be available, including legal action to collect the costs of resale and any deficiency resulting from resale. Upon default by the Buyer, Seller shall forward funds paid to the Seller by the Buyer, or some portion thereof, to Motleys to satisfy any obligations owed to Motleys.

Conditions of Default:

If any conditions contained herein are not complied with by the buyer, Auctioneer may, in addition to asserting all remedies available by law, including the right to hold defaulting buyer liable for the purchase price, either, a) cancel the sale, retaining as liquidated damages any payment made by such buyer, b) resell the property without reserve at public auction or privately on seven days' notice to such buyer, or c) take such other action as it deems necessary or appropriate. If Auctioneer resells the property, the original defaulting buyer shall be liable for the payment of any deficiency between the purchase price and all costs and expenses, the expenses of both sales, reasonable attorney's fees, commissions, incidental damages and all other charges due hereunder. In any event; the buyer's, earnest money deposit will be retained by Auctioneer as liquidated damages.

State Laws:

The respective rights and obligations of the parties with respect to the Conditions of Sale and the conduct of the auction shall be governed and interpreted by the laws of the state in which the auction is held. By bidding at an auction, whether present in person or by agent, by written bid, telephone or other means, the buyer shall be deemed to have consented to the jurisdiction of the courts of such state and the federal courts sitting in such state.

Real Estate Brokers/
Agents/Auctioneers:

A fee equal to a specified commission calculated on the successful purchaser's final bid (not including any Buyer's Premium), will be paid (where allowed by law) to any qualified broker/auctioneer who is duly licensed in the state where the property is located, and whose properly registered client successfully buys and closes on the property. To qualify for a commission, the licensed broker/agent must first register the prospective bidder by mail or fax, (804) 232-3301 on Motley's Broker Participation Acknowledgment Form, with Motleys Asset Disposition Group, 3600 Deepwater Terminal Rd Richmond, VA 23234. Registration letters must be countersigned by the prospect and include the broker's and agent's or auctioneer's license number, identification of the property, any agency disclosure statements, the letter and participation acknowledgment form. All forms, letters and statements must be received no later than 5:00 P.M. one day (24 Hours) prior to the auction. In addition, agents/auctioneers must also attend with and register their prospects at the auction.

Inspection:

All property is sold "As Is, With All Faults." Descriptions are provided as a service to customers only and do not constitute a warranty, either expressed or implied. Auctioneer disclaims all responsibility for physical condition. All buyers are responsible for prior inspection of properties on which they bid, and by bidding are deemed to have so inspected the property. Placing a bid on the offered property, whether in person, or by agent, by written bid, telephone bid or other means, constitutes an agreement by bidder to these conditions of sale. For residences built prior to 1978, buyer waives the right to a 10-calendar-day opportunity to conduct a risk assessment or inspection for the presence of Lead-Based Paint and/or Lead-Based Paint Hazards. Square footage dimensions and acreage are approximate and should be independently verified prior to bidding. Auctioneer, its agents and subagents, and the sellers assume no liability for errors or omissions in this or any other property listing or advertising or promotional/publicity statements and materials. Although information has been obtained from sources deemed reliable, the auctioneer makes no guarantee as to the accuracy of the information herein contained or in any other property listing or advertising or promotional/publicity statements and materials.

Megan's Law
Disclosure:

Purchaser(s) should exercise whatever due diligence they deem necessary with respect to information on any sexual offenders registered. Such information may be obtained by contacting your local police department or the Department of State Police. Should any terms set forth in these Terms and Conditions be inconsistent with the terms of the Purchase Agreement to be executed by the successful bidder, the terms of the Purchase Agreement shall control.

Online Bidding:

IN THE EVENT OF ONLINE BIDDING DISRUPTION OR FAILURE, PLEASE CALL OUR OFFICE AT (804) 232-3300.

PRIOR TO BIDDING, ONLINE BIDDERS MUST DO ONE OF THE FOLLOWING:

- Provide a MasterCard, Visa or Discover credit card with open credit of \$2,500.00 for each Property you wish to bid on. Agreeing to the terms is authorization to place a hold on a major credit card.
 - **A 3% handling charge is to be added for all major credit cards except American Express**
 - **A 4% handling fee is to be added for all American Express cards.**
- Deliver cash, certified or cashier's check \$2,500.00 for each Property you wish to bid on, made payable to Motleys Asset Disposition Group; or
- Wire funds to Motleys Asset Disposition Group (email info@motleys.com for wire information)

To obtain a Bidder's Number/Username, a registration form must be filled out giving full name, address and phone number (and deposit must be received as described above). Visit motleys.com to obtain.

If you are the highest bidder for a property and are using the online bidding platform to participate in the auction, you must electronically sign the contract through DocuSign within thirty (30) minutes of the hammer falling for that property.

Bid Execution:

Bids are also accepted live / in person in addition to the Internet. Motleys is not responsible for failing to execute bids due to bidder's technological difficulties.

Technical Problems:

Motleys has made reasonable efforts to provide for online bidding for this sale. You recognize and acknowledge, however, that technical problems with hardware, software, or internet connectivity, as well as human errors, may arise and may affect, without limitation, the sale website, our online bidding program and process, your or our internet service and access, and your connection to this sale bidding program and process. You further acknowledge that these and other technical problems may develop at any time and with or without notice. You acknowledge and agree that neither we nor the Seller is in anyway responsible for any such technical problems, and that you have no absolute or other right to be able to bid on this sale in the event of any such technical problems. Notwithstanding the foregoing, you further acknowledge and agree that, in the event of any such technical problems, we reserve the right to postpone or cancel the sale and/or extend the bidding time for this sale and/or relist the property for sale at another time, in our sole discretion, and that our decision with regard to any such actions is and will be final. Bidders must take care in entering bids, and each Bidder will be responsible for all bids placed under the Bidder's approved registration. Once entered and recorded online, a bid is deemed to be final on behalf of the registered Bidder and may not be modified, retracted or rescinded in whole or in part.

**SPECIAL COMMISSIONER'S
PURCHASE AGREEMENT OF SALE – OFFERINGS 1-60**

THIS AGREEMENT made this 16th day of May, 2018, between _____
_____, (“Buyer(s)”) whose address is

_____; and **GREGORY LUKANUSKI**, Special Commissioner for the City of
Richmond, whose address is 900 East Broad Street, Suite 400, Richmond, Virginia 23219 (the “Seller”); and
MOTLEYS ASSET DISPOSITION GROUP (the “Auction Firm”).

In consideration of the deposit in the amount of \$_____ in cash or certified funds, receipt
of which is acknowledged, the Buyer agrees to buy and the Seller agrees, **subject to confirmation by the**
Circuit Court of the City of Richmond, to sell for the sum of
_____ Dollars
(\$_____), calculated as the high bid of \$_____ plus
\$_____ buyer’s premium, all that certain parcel of land together with all improvements
thereon (the “Property”) described as follows:

ADDRESS:

Richmond, Virginia

Map Ref. No.

DEED AND TITLE. Said premises are to be conveyed by Special Commissioner’s Deed from the Seller. The title to said premises shall be subject to all existing restrictions, easements, recorded agreements and covenants, rights of public service companies, easements of roads, zoning regulations, ordinances, statutes and regulations of any constituted public authority now in force or which may be passed prior to final settlement, under the following terms and conditions:

1. **DEPOSIT.** A deposit (the “Buyer’s Deposit”) shall be paid by the Buyer in the form of a cashier’s check or cash, which shall be applied to the purchase price upon confirmation of the bid by the Court. The Buyer’s Deposit shall be held by Motleys Asset Disposition Group (Motley’s) in an interest bearing escrow account with all interest accruing to the benefit of the escrow agent and forwarded to the Seller prior to settlement.

2. **BALANCE OF PURCHASE PRICE AND SETTLEMENT.** Buyer shall pay the balance of the purchase in certified funds by the date shown in Paragraph 16. Settlement is anticipated to occur on the date shown in Paragraph 16 for the court confirmation hearing.

3. **COMMISSIONS.** Buyer acknowledges and understands that the Buyer's Premium on the sale is a commission to the Auction Firm and is deemed earned by the Auction Firm when this Agreement is accepted. The Buyer's Premium shall be paid to Auction Firm at Settlement.

4. **TITLE.** If title, in accordance with this Agreement, cannot be conveyed by the Seller, Buyer shall have as his/her/its sole remedy repayment of all money paid on account of the purchase price. Seller's and Auction Firm's liability hereunder to the Buyer shall absolutely cease.

5. **APPORTIONMENTS.** Real estate taxes, water charges, sewer charges, current property rent, condominium or POA fees, and other charges, if any, shall be apportioned to the date of confirmation of the bid by the court.

6. **POSSESSION.** Possession shall be delivered at the time of confirmation of the bid by the Court and recordation of the deed. If said premises are tenanted or subject to a tenancy in whole or in part at the time of final settlement, possession shall be delivered subject to such tenancy.

7. **TRANSFER TAXES.** The Buyer shall pay all state, county, city and local transfer taxes imposed upon this sale, including the Grantor's Tax.

8. **WORK DONE OR ORDERED.** Seller shall not be liable for any work done or ordered to be done after the date of confirmation by the Court by any municipal or other public authority, or for any notice issued after the date of confirmation by the Court by any municipal or other public authority, upon or about said premises. Buyer agrees to take title subject to any lien that may be recorded as a result of any of the foregoing and to any such notice issued after the date of confirmation by the Court.

9. **PREPARATION OF DOCUMENTS.** This deed shall be prepared by Seller at Seller's expense and acknowledged and recorded at the expense of Buyer. Buyer shall pay all title searches requested by the Buyer, title insurance charges, survey expenses, usual conveyance expenses, and recordation taxes, including Grantor's Tax.

10. **DEFAULT BY BUYER.** Should Buyer fail to make settlement as provided in this Agreement, Buyer shall be deemed in default and the Buyer's Deposit may be retained by Seller, either on account of the purchase money or as compensation for the damages and expenses Seller has incurred, as Seller shall elect. In the latter event, Seller's and Auction Firm's liability hereunder to Buyer shall absolutely cease. In the alternative, Seller may resort to any other action or remedy in law or equity that may be available, including legal action to collect the costs of resale and any deficiency resulting from resale. Upon default by the Buyer, Seller shall forward funds paid to the Seller by the buyer, or some portion thereof, to Motley's to satisfy any obligations owed to Motley's.

11. **PLANS OR SURVEY.** If reference is made in this Agreement to a plan or survey for the description of said premises, this Agreement and the conveyance of said premises are subject to all conditions and facts shown on the plan or survey.

12. **ADVERTISEMENTS.** Buyer acknowledges that lot sizes, area of lots and plans of lots set forth in any circular and other advertising of this sale may not be accurate and that in signing this Agreement Buyer relied on the description or plan set forth or referred to in this Agreement and not upon any circular or other advertising of this sale.

13. **MOTLEY'S AGENT ONLY.** Buyer acknowledges that Motley's is the agent for Seller only, and it is understood and agreed that Motley's shall not be held liable by either Seller or Buyer for any breach by Motley's of any provision of this Agreement. In the event that Motley's is deemed liable to either the Seller or Buyer, then the extent of Motley's liability shall be limited to the amount of any funds paid to Motley's under this Agreement.

14. **INVESTIGATION OF PREMISES.** BUYER ACKNOWLEDGES THAT HE WAS GIVEN THE OPPORTUNITY TO INVESTIGATE THE PROPERTY AND TITLE TO THE PROPERTY PERSONALLY AND THROUGH ANY PROFESSIONAL OF BUYER'S CHOICE AND HAS ADEQUATELY INVESTIGATED SAID PREMISES (OR HAS WAIVED THE OPPORTUNITY TO MAKE SUCH INVESTIGATION). BUYER AGREES HE HAS ENTERED INTO THIS AGREEMENT AS A RESULT OF AN ADEQUATE INVESTIGATION OF SAID PREMISES MADE BY BUYER, AND NOT AS A RESULT OF ANY ADVERTISEMENT, HANDBILL OR ANY OTHER REPRESENTATION EITHER ORAL OR WRITTEN, MADE BY SELLER, ANY SELLING AGENT OR MOTLEY'S. BUYER ACCEPTS THE PROPERTY IN ITS "AS IS" CONDITION WITH ALL FAULTS AND DEFECTS. BUYER AGREES THAT NEITHER SELLER NOR MOTLEY'S SHALL BE RESPONSIBLE OR ACCOUNTABLE FOR ANY ERROR IN ANY ADVERTISEMENT, HANDBILL OR ANNOUNCEMENT MADE BY SELLER OR MOTLEY'S NOR FOR ANY AGREEMENT, CONDITION, REPRESENTATION OR STIPULATION, ORAL OR WRITTEN, NOT SPECIFICALLY SET FORTH HEREIN.

15. **ACKNOWLEDGMENTS.** Buyer acknowledges that the Property is being offered for sale "AS IS" and will convey in "AS IS" condition, without warranty expressed or implied as to the condition of the premises.

16. **TIME IS OF THE ESSENCE.** Buyer shall provide the balance of purchase price to the Seller by no later than close of business on **June 18, 2018. Court hearing for confirmation is anticipated to occur July 27, 2018.** In the event that Buyer does not provide the balance of the purchase price to Seller by June 18, 2018, in addition to other remedies provided to Seller under this Agreement, Buyer shall be liable to Seller in the additional amount of \$250.00 until such time as Seller declares Buyer to be in default. The parties agree and acknowledge that such amount is liquidated damages, calculated to compensate Seller, and is not a penalty.

17. **RISK OF LOSS.** Risk of loss shall pass to the Purchaser at the time of confirmation by the Circuit Court.

18. **AGREEMENT OF SALE.** Agreement of Sale shall be construed, interpreted, and applied according to the laws of Virginia, and it shall be binding upon and shall inure to the benefit of the heirs, personal representatives, successors, and assigns of the parties. This is a legally binding contract and if not understood, competent advice should be sought before it is signed.

19. **ENTIRE AGREEMENT.** THIS AGREEMENT CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO PRIOR AGREEMENT OR REPRESENTATION OF ANY KIND, AND NO CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENT OR REPRESENTATION AND NO DEALING BETWEEN THE PARTIES OR CUSTOM SHALL BE PERMITTED TO CONTRADICT, VARY OR ADD TO THE TERMS AND CONDITIONS OF SALE. THE AGREEMENT HERewith, MAY NOT BE ASSIGNED BY BUYER; WITHOUT THE PRIOR WRITTEN CONSENT OF SELLER AND MOTLEY'S.

20. **FAX AGREEMENT.** Purchaser and Seller agree that a facsimile transmission of any original document shall have the same effect as an original. When a facsimile copy has been signed, any signature and/or initials required on an original shall be completed prior to closing.

21. **ACKNOWLEDGEMENT OF CODE VIOLATIONS:** The Buyer acknowledges that by purchasing the Property, he/she assumes responsibility for abatement of building, environmental, zoning or other City Code violations that may exist on the Property and agrees to contact the appropriate City Department within sixty (60) days of the purchase of the Property to provide an abatement plan for any Code violations.

PLEASE NOTE: THIS ENTIRE AGREEMENT IS MADE AT THE FALL OF THE HAMMER. THE TERMS AND CONDITIONS CONTAINED IN THE BID PACKAGE ARE INCORPORATED HEREIN AND MADE A PART HEREOF. IN THE EVENT THAT THIS AGREEMENT CONTRADICTS THE TERMS AND CONDITION, THIS AGREEMENT SHALL TAKE PRECEDENCE.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

APPROVED:

May 16, 2018

By: _____
GREGORY LUKANUSKI
SPECIAL COMMISSIONER
SELLER

By: _____
BUYER (SIGNATURE)

BUYER (PRINT)



REAL ESTATE REGISTRATION FORM



Full Name: _____ Bidder #: _____

E-mail Address: _____

Street Address: _____

City & State: _____ Zip Code: _____

Area Code & Telephone: _____ Driver's License #: _____

How did you hear about our sale?

Currently On Email List	<input type="checkbox"/>	Email	<input type="checkbox"/>	Flyer/Brochure	<input type="checkbox"/>
Our Website	<input type="checkbox"/>	Internet Search	<input type="checkbox"/>	Trade Publication	<input type="checkbox"/>
Facebook	<input type="checkbox"/>	Friend	<input type="checkbox"/>	Other Website	<input type="checkbox"/>

If Other, Please Specify: _____

Mailing List Interests

Currently On Email List	<input type="checkbox"/>	Industrial Equipment & Trucks	<input type="checkbox"/>	Vehicles	<input type="checkbox"/>	Real Estate	<input type="checkbox"/>
-------------------------	--------------------------	----------------------------------	--------------------------	----------	--------------------------	-------------	--------------------------

I personally guarantee payment and personally agree to and understand all of the terms and conditions of this sale as set forth in the Terms & Conditions or announcements made by sales staff. Prior to the start of bidding, I have had the opportunity to inspect the Property and all public records related thereto, and to review with an attorney all documents related to the Property, including this Bidder Registration Form. I further understand that I am liable for payment of all real estate purchased on my Bidder Number and that Motley's Auctions, Inc. (Motleys) has the right to pursue the legal means necessary to collect any funds due and that I am personally liable for any costs incurred in the collection of said funds (i.e., expenses of re-selling the property, any deficit realized on a re-sale from the original selling price, any commission to Motleys, the original sales price, Buyer's Premium, and deposits paid plus any attorney's fees, court costs, and all incidental damages or charges involved). I irrevocably submit to the jurisdiction of the Circuit Court of the County of Henrico, Virginia, for all actions brought by Motleys to collect any sum due under this agreement. I agree that any other dispute arising out of this sale shall be resolved solely by final and binding arbitration held in the County of Henrico, Virginia, under the Real Estate Industry Arbitration Rules of the American Arbitration Association. Bidders and purchaser acknowledge that disclosure of the brokerage relationship, if any was made to them by the signing of this form. Motleys is the agent for the Seller. Payment must be in the form of Cash, Approved Credit Card, Money Order, Cashier's Check or Personal/Company Check, accompanied by Bank Letter of Guarantee, in order to register.

Print Name: _____ Sign Name: _____ Date: _____

If represented by a Broker, Broker must sign and submit a Broker Participation Form to qualify for cooperating fee.

IMPORTANT: PRINT NAME (S) AS IT IS TO APPEAR ON THE PROPERTY DEED:

REMIT TO: rbryan@svn.com

DEPOSIT CONFIRMED:

\$ _____

FOR OFFICE USE ONLY

BROKER PARTICIPATION ACKNOWLEDGMENT FORM

REMIT TO: MOTLEYS ASSET DISPOSITION GROUP
3600 Deepwater Terminal Road
Richmond, VA 23234

Phone: (804) 655-2412
Email: rbryan@svn.com
Fax: (804) 232-3301

AUCTION DATE _____

AUCTION PROPERTY ADDRESS _____

BUYER NAME _____

BUYER ADDRESS _____

BUYER PHONE # _____

It is understood and agreed that the Broker commission structure will be based on the stated Terms and Conditions of sale of the above referenced auction and that said commission will be based on the successful high bid (the Hammer Price)* on the property. Commission is to be paid only to the licensed Real Estate Broker named herein upon closing, where permitted by law, if the above named Buyer is the high bidder at auction and the subject property is sold to the same buyer. Only the first registration of a prospective bidder received will be honored. Brokers/Real Estate Agents may not represent themselves as a buyer. The intent of this broker co-op arrangement is to encourage Realtors to find potential purchasers for the auction. Persons not originally represented by a Broker who have contacted the auction and requested information will be ineligible for subsequent broker co-op. **BROKER PARTICIPATION FORMS MUST BE RECEIVED 24 HOURS PRIOR TO AUCTION!** A 3% Broker Participation Fee will be paid to brokers who represent the winning bidder on the property, if broker complies with all the terms and conditions of this agreement and the sale. In the event a commission reduction is required to consummate a sale, Motley's reserves the right to proportionately reduce the commission. For a Broker Participation fee to be paid & be qualified, the high bid of the property must be \$20,000.00 or higher.

Brokers must be present at the auction and assist their Buyers during the auction, in which their Buyers are the successful bidders, and in the preparation of the agreement of sale to receive said commission. No commission will be paid to Brokers on any sale to an entity of which (or any affiliate of which) they are principals, employees or affiliates, or immediate family members. No Broker Acknowledgment Forms will be accepted at the auction site.

Broker Name Printed _____ Agent Name Printed _____

Broker Signature _____ Date _____ Agent Signature _____ Date _____

Broker License No. _____ Agent License No. _____

Real Estate Agency _____

Real Estate Agency's Address _____

Phone: _____ Fax: _____

Prospective Buyer(s) Signature _____ Date _____

RECEIVED BY: MOTLEYS ASSET DISPOSITION GROUP

Motley's Representative: _____ Date: _____ Time: _____

*High bid is defined as purchase price less Buyer's Premium, if applicable, or the Hammer Price.

BROKER PARTICIPATION FORMS MUST BE RECEIVED 24 HOURS PRIOR TO AUCTION!