

CITY OF CHARLOTTESVILLE
"A World Class City"

Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.org



May 19, 2015

**TO: Charlottesville Planning Commission, Neighborhood Associations &
News Media**

Please Take Notice

A Work Session of the Charlottesville Planning Commission will be held on **Tuesday May 26, 2015 at 5:00 p.m. in the NDS Conference Room in City Hall (610 East Market Street).**

AGENDA

1. Telecommunications Ordinance
2. Bicycle and Pedestrian Master Plan
3. Public Comment

cc: City Council
Maurice Jones
Aubrey Watts
Missy Creasy
Planners
Melissa Thackston, Kathy McHugh
Craig Brown, Lisa Robertson



Verizon Wireless Data Node Project

City of Charlottesville, Virginia

April 14, 2015

*Contact: Lori H. Schweller, Esq.
 LeClairRyan
 434-245-3448
 Lschweller@leclairryan.com*



Technological Revolution

- Mobile data use in the U.S. **doubled** from 2012 to 2013.*
- Nearly 90% of American households use wireless. 41% are wireless only, up from 30% in 2010.+
- 45 million Americans use wireless smartphones as their primary internet access device.++
- North American data transmission on mobile networks will grow nearly **eight-fold** between 2013 and 2018. Global mobile traffic will increase 11-fold during that period.**

* CTIA (CTIA.org) citing Cisco, VNI Mobile Forecast Highlights, 2013-2018 at “United States – 2018 Forecast Highlights and 2013 Year in Review.”

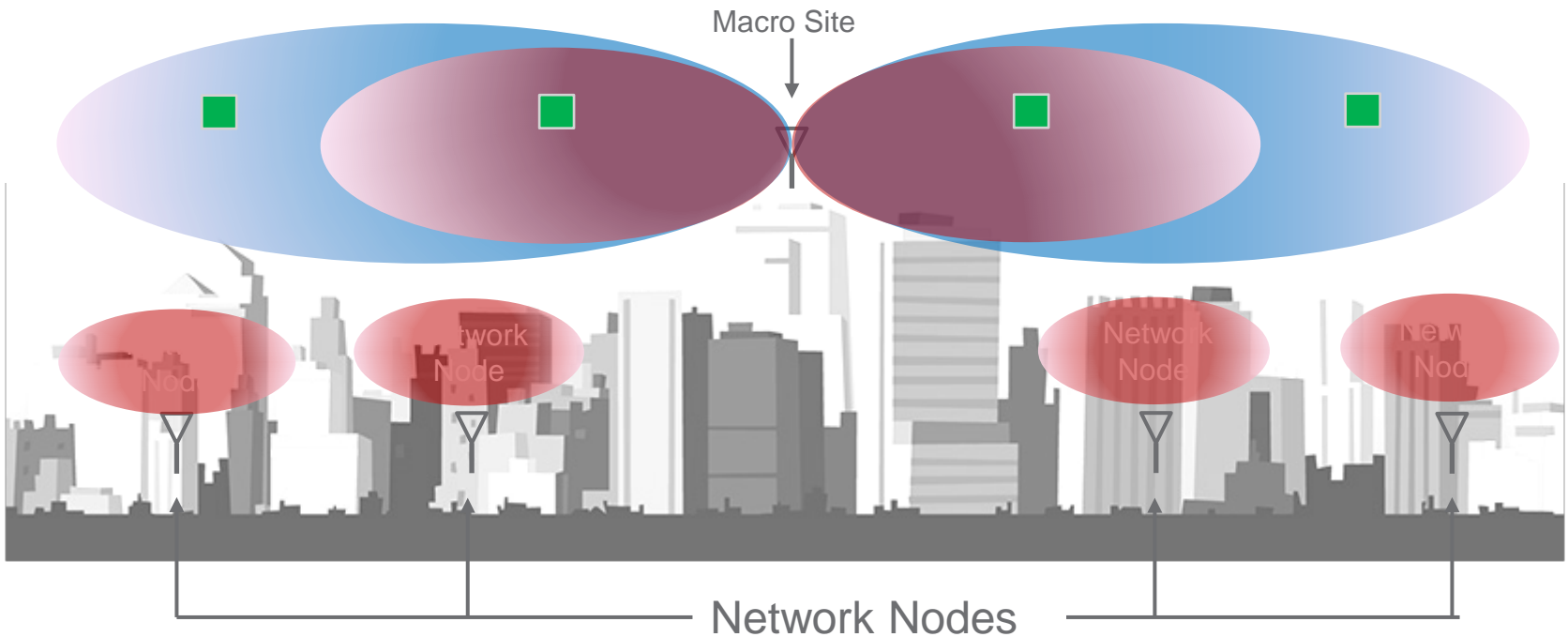
+ CTIA.org citing Stephen J. Blumberg and Julian V. Luke, “Wireless Substitution: Early Release of Estimates from the Health Interview Survey, July-December 2013” at [Http://www.cdc.gov/inchs/data/nhis/earlyrelease/wireless201312.pdf](http://www.cdc.gov/inchs/data/nhis/earlyrelease/wireless201312.pdf).

++ CTIA.org citing Maeve Duggan and Aaron Smith, Cell Internet Use, 2013, Pew Research Internet Project, Sept. 16, 2013 and U.S. Census Annual Estimates of the Resident Population by Single Year of Age and Sex for the U.S.: April 1, 2010 to July 1, 2013, 2013 Population Estimates, at <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>.

** “U.S. mobile data traffic to jump nearly eight-fold by 2018: Cisco,” Feb. 5, 2014; “Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2013-2018.”



Node Deployment Strategy



What is a Network Node (aka Microcell)?

Data Nodes:

- Covers less than 1000 foot radius (typically 500 feet)
- Two categories: Coverage and Capacity

Notes:

- Unique antenna locations
- Low profile design -- Aesthetics of area kept in mind with design
- Low (e.g. 18 – 35 foot) antenna centerlines (height above ground)



- Low profile antenna structure
- Low power
- High density pedestrian or slow moving traffic areas
- Provide increased capacity within small areas



Typical antenna equipment used in Network Node Deployment

MICROCELL
(MRBS)



D-RAN
(MRRU)



Average size per antenna: 17"H x 10"W x 7"D,
weight 25lbs.

Antenna/equipment
cabinet micro design



Average size equipment: 13"H x 16" W
x 11"D weight: ~ 40 lbs.



Microcell Equipment Cabinets (with and without battery back-up)

DC cabinet
Battery backup
Dual-band (dual-MCO)
support



Size: ~55" H x 21.25" W x 20" D
Weight: 400lbs (fully equipped)

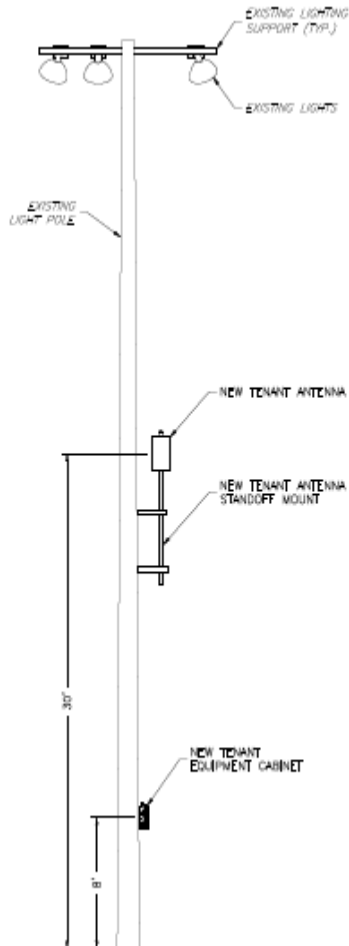
AC cabinet
Dual-band (dual-MCO)
support



Size: 30"H x 21.25" W x 20" D
Weight: ~200lbs (fully equipped)



Sample Design: Pole Side Mount



Site Name: Bethlehem Little League
Small Cell Network
5600 Bethlehem Road
Henrico, VA 23230

Photograph Information:
View from the North
Showing the Proposed Site

NBIC
TOTALLY COMMITTED.



Side Building Mount Existing Installation

Antenna



Indoor Equipment Box





Cylindrical “Cantenna” on Non-Penetrating Rooftop Sled Mount





Charlottesville Mall Installation (Existing) Market Street Parking Garage

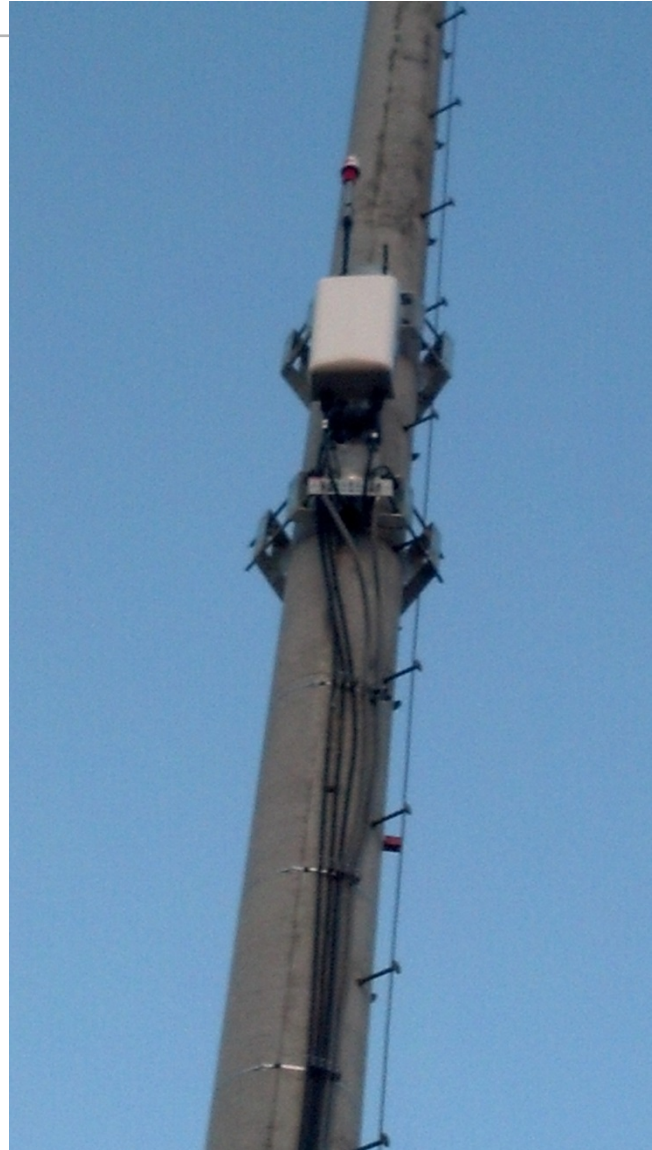
**Equipment Box Mounted inside Building
Near Elevator Shaft**



**Cylindrical Antennas between Glass
Light Fixture Panels**



- Panel antenna on an existing light pole





Charlottesville Zoning Ordinance (Sections 34-1073, -1074, -420, -480, -796)

Historic/entrance corridor/residential districts: No visible antennas are permitted. Even an “alternative support structure,” which, by definition is “invisible or otherwise made an integrated part of the feature enclosing it” is not permitted at all in these districts and in mixed use corridor districts.

Height Restrictions: Where attached communications facilities are permitted by right, the **attachment structure** must be **at least 40’ tall** and the total height of the communications facility cannot be more than 20’ taller than the structure.

Existing Towers: In all districts, microcells may not be mounted on an existing tower by right unless the tower was established prior to 2/20/2001.

Commercial Districts: Microcells are only permitted by right if invisible. A special use permit is required for a visible microcell in any commercial district.

Requested Zoning Text Amendments

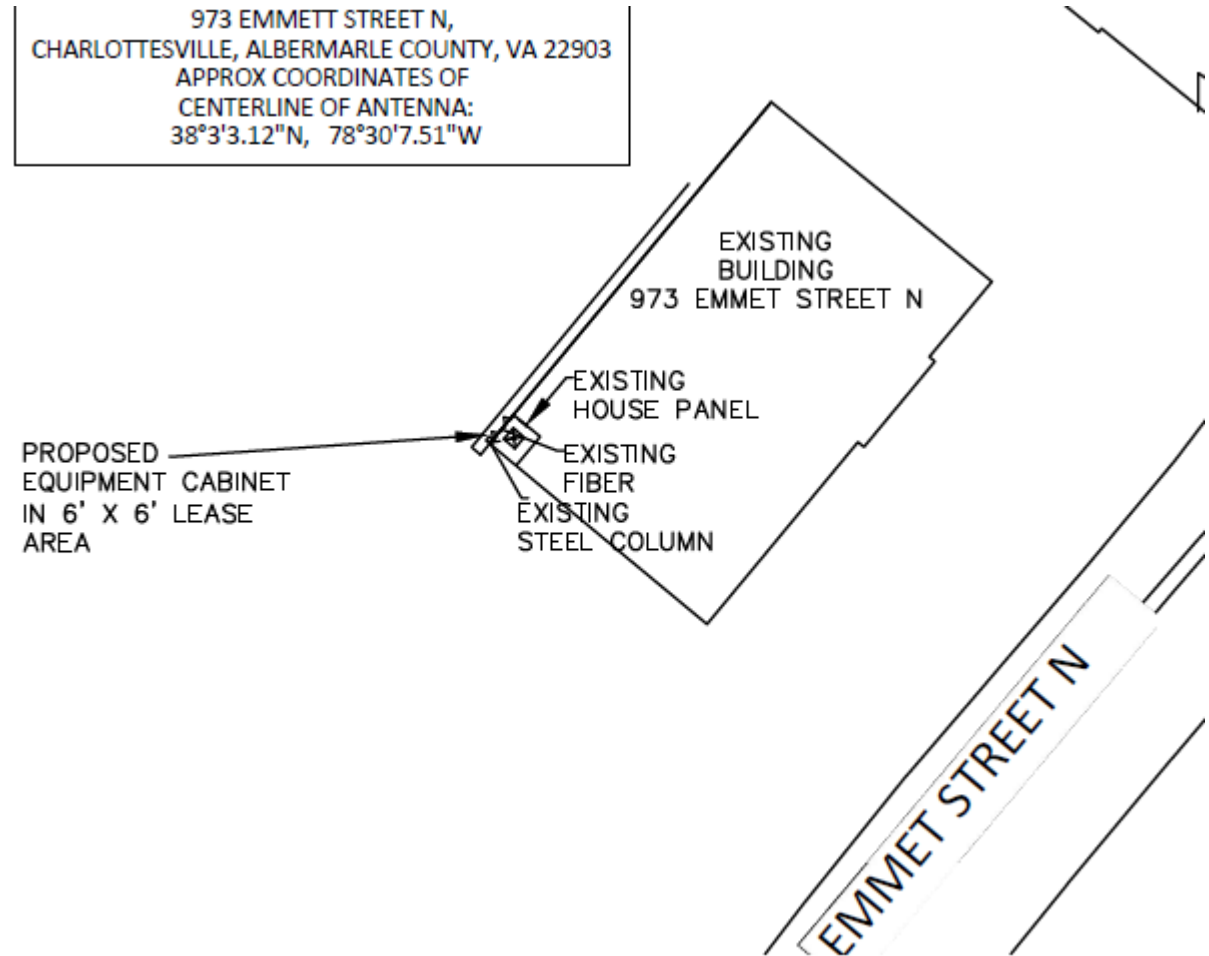
- Permit microcells on any *existing* tower by right (they create no additional visual impact).
- **Eliminate the 40' minimum attachment structure height. Most buildings won't meet this minimum height requirements, and microcells currently cannot be installed at all (even with an SUP) on buildings under 40' tall.**
- Permit visible microcells by right in commercial districts.
- Permit camouflaged/concealed microcells in all districts since they can't be seen.
- Consider allowing visible microcells in historic, residential, and mixed use by SUP (case by case basis).



Example of Proposed Charlottesville Site

- Barracks Shopping
- Zoned URBH
- Entrance Corridor
- Rear of Zinburger
- Will not be visible from Emmet Street.

Currently prohibited under the Zoning Ordinance because the building is under 40' tall.





Proposed Site Grand Marc Not Visible from Front, Building over 40'



Visible from Chancellor Street over Rooftops Ordinance Requires Stealthing





Thank you

Current Permitting of Attached Communications Facilities and Alternative Support Structures¹

City of Charlottesville, Virginia

Lori Schweller Notes re Microcell Zoning on behalf of Verizon Wireless

January 9, 2015

A. Residential Districts:

1. Antennas or microcells **mounted on existing towers established prior to 02/20/2001** [Why restrict microcells from being mounted on any existing tower? Separate microcells from this section, or permit all types of antennas on any existing towers?²]
 - a. By right in all but
 - b. MHP – not permitted [WHY NOT]
2. Attached Facilities (includes microcells) using utility poles or electric transmission facilities as attachment structure
 - a. By right in all but
 - b. MHP – not permitted [WHY NOT]
3. Attached facilities not visible from any adjacent street or property
 - a. By right in all but
 - b. MHP – not permitted [WHY NOT]
4. Attached facilities visible from adjacent street or property
 - a. Not permitted in any district [WHY NOT PERMIT MICROCELLS AT LEAST BY SUP?]
5. Alternative tower support structures
 - a. Not permitted in any district [WHY NOT IF THE FACILITY BLENDS IN?]

B. Commercial Districts

1. Antennas or microcells **mounted on existing towers established prior to 02/20/2001** [why restrict microcells from being mounted on any existing tower? Separate microcells from this section?]
 - a. By right in all
2. Attached Facilities (includes microcells) using utility poles or electric transmission facilities as attachment structure
 - a. By right in all
3. Attached facilities not visible from any adjacent street or property
 - a. By right in all
4. Attached facilities visible from adjacent street or property
 - a. By right in all but
 - b. ES – by SUP

¹ That is, excluding Monopole tower-, Guyed tower-, Lattice tower-, or Self-supporting tower support structures.

² FCC Order 14-153, elaborating and defining terms in the Spectrum Act, requires approval of collocations on existing communications facilities that do not substantially change the physical dimensions of the tower or base station. Therefore, this restriction is likely contrary to federal law.

5. Alternative tower support structures
 - a. By right in B-3, M-1, and IC
 - b. Not permitted in B-1, B-2, ES [WHY NOT IF BLEND IN WITH SURROUNDINGS?]

C. Mixed Use Corridor Districts

1. Antennas or microcells mounted on existing towers established prior to 02/20/2001 [why restrict microcells from being mounted on any existing tower? Separate microcells from this section?]
 - a. By right in all
2. Attached Facilities (includes microcells) using utility poles or electric transmission facilities as attachment structure
 - a. By right in all
3. Attached facilities not visible from any adjacent street or property
 - a. By right in all
4. Attached facilities visible from adjacent street or property
 - a. By SUP in all
5. Alternative tower support structures
 - a. Not permitted in any [WHY NOT?]

D. Historic and Entrance Corridor Overlay Districts (Sec. 34-1075(a))

1. Antennas or microcells mounted on existing towers established prior to 02/20/2001 [why restrict microcells from being mounted on any existing tower? Separate microcells from this section?]
 - a. By right in all
2. Attached Facilities (includes microcells) using utility poles or electric transmission facilities as attachment structure
 - a. By right in all
3. Attached facilities not visible from any adjacent street or property
 - a. By right in all
4. Attached facilities visible from adjacent street or property
 - a. Not permitted [COULD PERMIT MICROCELLS AND NOT OTHER ATTACHED FACILITIES?]
5. Alternative tower support structures
 - a. Not permitted [WHY NOTE?]

E. Height (Sec. 34-1074):

- a. Wherever attached facilities are permitted the attachment structure must be at least 40' tall and the total height of facility must not increase the height of the structure more than 20'.
- b. NA (re freestanding facilities).
- c. Any communications facility that exceeds the height restrictions or dimensions allowed by right in (a) or (b), shall require an SUP.

F. Visibility and Placement (Sec. 34-1080)

- a. Attached communications facilities
 - i. Where visible from adjacent properties or public rights-of-way, they must be designed and located to blend in with the existing structure, neutral colors etc.
 - ii. Where visible to residences but visual impact can't be mitigated by placement and color, they must be screened from view or conceal.
 - iii. Antennas and equipment must be of a neutral color compatible with the attachment structure.
- b. NA (re freestanding support structures).
- c. Equipment shelters ... or cabinets for microcells shall be contained wholly within a building or structure, or otherwise concealed and camouflaged, or located underground.
- d. Antennas and equipment on single attachment structure shall, to the greatest extent feasible, be of similar size, design, coloring, and appearance.

G. Permitting

- a. Building permit – if microcell or attached communications facility is a permitted use and will not exceed the by-right height restrictions or dimensions set forth in division
 - i. ZA certifies that it meets applicable standards and requirements
 - ii. Review upon application for building permit
- b. Site plan required if microcell or attached communications facility exceeds the height or dimensions in Sec. 34-686 [SHOULD BE 34-1200]
- c. [Site Plan Applications]
- d. Special Use permits -- the following uses permitted with SUP:
 - i. a microcell exceeding the dimensions specified by its definition or which is mounted on a support structure exceeding the height restrictions of 34-1074 (*presumably only in those districts where microcells are already permitted by right or by SUP*)
 - ii. an attached communications facility that exceeds the height or dimensions specified in Sec. 34-1074 (*presumably only in those districts where microcells are permitted by right or by SUP*)

Sec. 34-420. - Use matrix—Residential zoning districts.

The uses and residential densities allowed within the city's residential zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216).

A = Ancillary use	DUA = dwelling units per acre	P = provisional use permit
B = by-right use	GFA = gross floor area	S = special use permit
CR = commercial/residential	MFD = multifamily development	T = temporary use permit
A/S = Ancillary or Special Use Permit		

Use Types	ZONING DISTRICTS											Requirements 34-xxxx
	R-1	R-1U	R-1S	R-1SU	R-2	R-2U	R-3	R-UMD	R-UHD	MR	MHP	
RESIDENTIAL AND RELATED USES												
Accessory apartment, internal	P		P		P		B	P	P	P	P	1105; 1171
Accessory apartment, external	P		P		P		P	P	P	P		1105; 1171
Accessory buildings, structures and uses	B	B	B	B	B	B	B	B	B	B	B	1105
Adult assisted living												
1—8 residents	B	B	B	B	B	B	B	B	B	B	B	
Greater than 8 residents							S	S	S	S		
Adult day care							S					
Amateur radio antennas, to a	B	B	B	B	B	B	B	B	B	B		

height of 75 ft.													
Bed-and-breakfast:													
Homestay	B	B	B	B	B	B	B	B	B	B	B		935
B & B								B	B	B	B		935
Inn								S	S	S	S		935
Boarding: fraternity and sorority house								S	S	S			
Boarding house (rooming house)								S	S	S	S		
Convent/monastery	S	S	S	S	S	S	S	S	S	S	S		
Criminal justice facility													
Dwellings:													
Multifamily								B	B	B	B		
Single-family attached					B	B	B	B	B	B	B	B	1123
Single-family detached	B	B	B	B	B	B	B	B	B	B	B	B	1123
Townhouse								B	B	B	B		386; 1123
Two-family					B	B	B	B	B	B	B		1123
Family day home													
1—5 children	B	B	B	B	B	B	B				B		
6—12 children	S	S	S	S	S	S	B				B		
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	1172

Manufactured home park												B	
Night watchman's dwelling unit, accessory to industrial use													
Nursing homes							S	S	S	S			
Occupancy, residential													
3 unrelated persons	B	B	B	B	B	B	B	B	B	B	B	B	
4 unrelated persons	B		B		B	B	B	B	B	B	B	B	
Residential density (developments)													
1—21 DUA							B	B	B	B			
22—43 DUA							S	B	B	S			
44—64 DUA							S		B				
65—87 DUA							S		S				
88—200 DUA													
Residential treatment facility													
1—8 residents	B	B	B	B	B	B	B	B	B	B	B		
8+ residents					S	S	S						
Shelter care facility							S						
Single room occupancy facility							S			S			
Temporary family health care structure	T	T	T	T	T	T	T	T	T	T	T	T	
NON-RESIDENTIAL: GENERAL and													

MISC. COMMERCIAL												
Access to adjacent multifamily, commercial, industrial or mixed-use development or use						B	B	B	B			
Accessory buildings, structures and uses						B	B	B				1105
Amusement center												
Amusement enterprises (circuses, carnivals, etc.)												1193
Amusement park (putt-putt golf; skateboard parks, etc.)												
Animal boarding/grooming/kennels:												933
With outside runs or pens												
Without outside runs or pens												
Animal shelter												933
Art gallery:												
GFA 4,000 SF or less												
GFA up to 10,000 SF												
Art studio, GFA 4,000 SF or less												
Art workshop												
Assembly (indoor)												
Arena, stadium (enclosed)												

Auditoriums, theaters												
Houses of worship	B	B	B	B	B	B	B	B	B	B		
Assembly (outdoor)												
Amphitheater												
Stadium (open)												
Temporary (outdoor church services, etc.)	T	T	T	T	T	T	T	T	T	T		1191
Assembly plant, handcraft												
Assembly plant												
Automobile uses:												
Gas station												931
Parts and equipment sales												
Rental/leasing												
Repair/servicing business												
Sales												
Tire sales and recapping												
Bakery, wholesale												
GFA 4,000 SF or less												
GFA up to 10,000 SF												
Banks/ financial institutions												

Bowling alleys													
Car wash													930
Catering business													
Cemetery	S	S	S	S	S	S	S						
Clinics:													
Health clinic (no GFA limit)													
Health clinic (up to 10,000 SF, GFA)													
Health clinic (up to 4,000 SF, GFA)								B	B	B			
Public health clinic								B	B	B			
Veterinary (with outside pens/runs)													933
Veterinary (without outside pens/runs)													933
Clubs, private	S	S	S	S	S	S	S	S	S	S	S		
Communications facilities and towers:													1070 et seq.
Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B	B	B	B	B	B	B	B	B	<u>B</u>	
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B	B	B	B	B	B	B	B	B	<u>B</u>	

Attached facilities not visible from any adjacent street or property	B	B	B	B	B	B	B	B	B	B	B	<u>B</u>	
<u>Microcell visible from an adjacent street or property</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	
Attached facilities <u>other than microcells</u> visible from an adjacent street or property	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Alternative tower support structures	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	
Monopole tower support structures													
Guyed tower support structures													
Lattice tower support structures													
Self-supporting tower support structures													
Contractor or tradesman's shop, general													
Crematorium (independent of funeral home)													
Data center													
Daycare facility	S	S	S	S	S	S	B	B	B	B	B		
Dry cleaning establishments													
Educational facilities (non-residential)													
Elementary	S	S	S	S	S	S	B	B	B	B			

High schools	S	S	S	S	S	S	B	B	B	B		
Colleges and universities	S	S	S	S	S	S	B	B	B	B		
Artistic up to 4,000 SF, GFA												
Artistic up to 10,000 SF, GFA												
Vocational, up to 4,000 SF, GFA												
Vocational, up to 10,000 SF, GFA												
Electronic gaming café												937
Funeral home (without crematory)												
GFA 4,000 SF or less							S					
GFA up to 10,000 SF							S					
Funeral homes (with crematory)												
GFA 4,000 SF or less							S					
GFA up to 10,000 SF							S					
Golf course												
Golf driving range												
Helipad												
Hospital												
Hotels/motels:												
Up to 100 guest rooms												
100+ guest rooms												

Laundromats							A	A	A	A	A	
Libraries	B	B	B	B	B	B	B	B	B	B	B	
Manufactured home sales												
Microbrewery												
Movie theaters, cineplexes												
Municipal/governmental offices, buildings, courts	S	S	S	S	S	S	S	S	S	S	S	
Museums:												
Up to 4,000 SF, GFA												
Up to 10,000 SF, GFA												
Offices:												
Business and professional												
Medical												
Philanthropic institutions/agencies												
Property management							A	A	A	A	A	370
Other offices (non-specified)												
Outdoor storage, accessory												
Parking:												
Parking garage							A/S	A/S	A/S	A/S		
Surface parking lot							A	A	A	A		

Surface parking lot (more than 20 spaces)								A	A	A	A		873
Temporary parking facilities									T	T			873
Photography studio													
Photographic processing; blueprinting													
Radio/television broadcast stations													
Recreational facilities:													366
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B	B	B	B	B	B	B	B	B	B	B	B
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)													
GFA 4,000 SF or less								A	A	A	A		
GFA up to 10,000 SF													
GFA more than 10,000 SF													
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	B	B	B	B	B	B	B	S	S	S			366
Outdoor: Parks, playgrounds, ball	S	S	S	S	S	S	S	S	S	S			366

fields and ball courts, swimming pools, picnic shelters, etc. (private)												
Restaurants:												
Dance hall/all night												1174
Drive-through windows												
Fast food												
Full service												
Taxi stand												
Towing service, automobile												
Technology-based businesses												
Transit facility												
Utility facilities	S	S	S	S	S	S	S	S	S	S		
Utility lines	B	B	B	B	B	B	B	B	B	B	B	
NON-RESIDENTIAL USES: RETAIL												
Accessory buildings, structures and uses												1105
Consumer service businesses:												
Up to 4,000 SF, GFA								A	A	A		369
Up to 10,000 SF, GFA												
10,001+ GFA												
Farmer's market												

Manufacturing, light														
Medical laboratories														
Moving companies														
Pharmaceutical laboratories														
Printing/publishing facility														
Open storage yard														
Outdoor storage, accessory to industrial use														
Research and testing laboratories														
Self-storage companies														
Warehouses														
Welding or machine shop														
Wholesale establishments														

(9-15-03(3); 6-6-05(2); 9-15-08(1); 3-16-09(3); 7-20-09(2); 7-21-10; 10-4-10(2); 1-18-11)

Sec. 34-480. - Use matrix—Commercial districts.

The uses and residential densities allowed within the city's commercial zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216).

A = Ancillary use	DUA = dwelling units per acre	P = provisional use permit
B = by-right use	GFA = gross floor area	S = special use permit
CR = commercial/residential	MFD = multifamily development	T = temporary use permit
A/S = Ancillary or special use permit		

Use Types	ZONING DISTRICTS						Requirements 34 -xxxx
	B-1	B-2	B-3	M- I	ES	IC	
RESIDENTIAL AND RELATED USES							
Accessory apartment, internal	P	P	P				1105; 1171
Accessory apartment, external	P	P	P				1105; 1171
Accessory buildings, structures and uses	B	B	B	B	B	B	1105
Adult assisted living							
1—8 residents	B	B	B	B			
Greater than 8 residents	B	B	B	B			
Adult day care	B	B	B	B			
Amateur radio antennas, to a height of 75 ft.	B	B	B	B	B	B	

Bed-and-breakfast:							
Home stay	B	B	B				
B & B	B	B	B				
Inn	B	B	B				
Boarding: fraternity and sorority house	B	B	B				
Boarding house (rooming house)	B	B	B				
Convent/monastery	B	B	B	B	B	B	
Criminal justice facility				S			
Dwellings:							
Multifamily	B	B	B	S		M	
Single-family attached	B	B	B	S			1123
Single-family detached	B	B	B	S			1123
Townhouse	B	B	B	S			386; 1123
Two-family	B	B	B	S			1123
Family day home							
1—5 children	B	B	B				
6—12 children	B	B	B				
Home occupation	P	P	P	P			
Manufactured home park							
Night watchman's dwelling unit, accessory to industrial use				B		B	

Nursing homes	B	B	B	B			
Occupancy, residential							
3 unrelated persons	B	B	B	B			
4 unrelated persons	B	B	B	B		B	
Residential density (developments)							
1—21 DUA	B	B	B	S		M	
22—43 DUA	S	S	S			S	
44—64 DUA	S	S	S			S	
65—87 DUA	S	S	S				
88—200 DUA							
Residential treatment facility							
1—8 residents	B	B	B	S			
8+ residents							
Shelter care facility	B	B	B				
Single room occupancy facility	S	S	S	S		S	
Temporary family health care structure	T	T	T	T			
NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL							
Access to adjacent multifamily, commercial, industrial or mixed-use development or use	B	B	B	B	B	B	
Accessory buildings, structures and uses	B	B	B	B	B	B	1105

Amusement center		S	S	S		S	
Amusement enterprises (circuses, carnivals, etc.)			T	T		T	1193
Amusement park (putt-putt golf; skateboard parks, etc.)			S				
Animal boarding/grooming/kennels:							933
With outside runs or pens				S		S	
Without outside runs or pens			S	B		B	
Animal shelter			S	B		S	933
Art gallery:							
GFA 4,000 SF or less	B	B	B	B	B	B	
GFA up to 10,000 SF	B	B	B	B	B	B	
Art studio, GFA 4,000 SF or less	B	B	B	B	B		
Art workshop	B	B	B	B	S	B	
Assembly (indoor)							
Arena, stadium (enclosed)	S	S	S	S		S	
Auditoriums, theaters		B	B	B		B	
Houses of worship	B	B	B	B	B	B	
Assembly (outdoor)							
Amphitheater	S	S	S	S		S	
Stadium (open)	S	S	S	S		S	
Temporary (outdoor church services, etc.)	T	T	T	T	T	T	1191

Assembly plant, handcraft			S	B		B	
Assembly plant			S	B		B	
Automobile uses:							
Gas station		B	B	B		B	931
Parts and equipment sales		B	B	B		B	
Rental/leasing			B	B		B	
Repair/servicing business		B	B	B		B	
Sales			B	B		B	
Tire sales and recapping			B	B		B	
Bakery, wholesale							
GFA 4,000 SF or less		B	B	B	B	B	
GFA up to 10,000 SF			B	B		B	
Banks/financial institutions	B	B	B			B	
Bowling alleys		B	B				930
Car wash		B	B	B		B	
Catering business	S	S	B	B		B	
Cemetery	S	S	S	S			
Clinics:							
Health clinics, including public health clinics (more than 10,000 SF, GFA)	S	B	B	B		B	

Health clinics, including public health clinics (up to 10,000 SF, GFA)	B	B	B	B		B	
Veterinary (with outside pens/runs)				B			933
Veterinary (without outside pens/runs)	S	S	B	B		B	933
Clubs, private	S	B	B				
Communications facilities and towers:							1070 et seq.
Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B	B	B	B	
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B	B	B	B	
Attached facilities not visible from any adjacent street or property	B	B	B	B	B	B	
<u>Microcells visible from an adjacent street or property</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	
Attached facilities <u>other than microcells</u> visible from an adjacent street or property	B	B	B	B	S	B	
Alternative tower support structures	<u>B</u>	<u>B</u>	B	B	<u>B</u>	B	
Monopole tower support structures			B	B		B	
Guyed tower support structures				B		S	
Lattice tower support structures				B		B	
Self-supporting tower support structures				B		B	
Contractor or tradesman's shop, general			B	B		B	
Crematorium (independent of funeral home)			B	B		B	

Data center							
>4,000		B	B	B		B	
<4,000	B	B	B	B	B	B	
Daycare facility	B	B	B	B	B	B	
Dry cleaning establishments	S	B	B	B	S	B	
Educational facilities (non-residential)							
Elementary	B	B	B				
High schools	B	B	B				
Colleges and universities	S	S	S		S		
Artistic up to 4,000 SF, GFA		B	B	B		B	
Artistic up to 10,000 SF, GFA		B	B	B		B	
Vocational, up to 4,000 SF, GFA		B	B	B		B	
Vocational, up to 10,000 SF, GFA		B	B	B		B	
Electronic gaming café						S	937
Funeral home (without crematory)							
GFA 4,000 SF or less	B	B	B	B	B	B	
GFA up to 10,000 SF	B	B	B	B	B	B	
Funeral homes (with crematory)							
GFA 4,000 SF or less	B	B	B	B	B	B	
GFA up to 10,000 SF	B	B	B	B	B	B	

Golf course							
Golf driving range			S	S			
Helipad			S	S		S	
Hospital	S	S	B				
Hotels/motels:							
Up to 100 guest rooms	S	B	B	S			
100+ guest rooms		S	B	S			
Laundromats	A	B	B	B		B	
Libraries	B	B	B		B		
Manufactured home sales			S	S			
Microbrewery		B	B	B		B	
Mobile food units	P	P	P	P	P	P	
Movie theaters		B*	B			B	*<6 screens
Municipal/governmental offices, buildings, courts	B	B	B	B	B	B	
Museums:							
Up to 4,000 SF, GFA	S	B	B	B	S	B	
Up to 10,000 SF, GFA		S	B	S		B	
Music halls		P	P	S		B	
Offices:							
Business and professional	B	B	B	B	B	B	

Medical	B	B	B	B		B	
Philanthropic institutions/agencies	B	B	B	B	B	B	
Property management	B	B	B	B			370
Other offices (non-specified)	B	B	B	B	B	B	
Outdoor storage, accessory			B	S		B	
Parking:							970 et seq.
Parking garage			B	B		B	
Surface parking lot	A/S	A/S	A/S	B	A	B	873
Surface parking lot (more than 20 spaces)	A	A	A	B	A	B	873
Temporary parking facilities	T	T	T	T		T	
Photography studio	B	B	B	B	B	B	
Photographic processing; blueprinting			B	B		B	
Radio/television broadcast stations	B	B	B	B		B	
Recreational facilities:							366
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on city-owned, city school board-owned, or other public property)	B	B	B	B			
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)							
GFA 4,000 SF or less	B	B	B	B	S		

GFA up to 10,000 SF	S	B	B	B			
GFA more than 10,000 SF		S	B	S			
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	S	S	S	S	S	S	
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S	S	S	S	S	S	
Restaurants:							
Dance hall/all night		P	P				1174
Drive-through windows		S	B	B		S	
Fast food		B	B	B	S	B	
Full service		B	B	B	B	B	
24-hour		P	P				
Taxi stand	B	B	B	B	B	B	
Towing service, automobile			B	B		B	
Technology-based businesses	S	S	B	B	B	B	
Transit facility	B	B	B	B	B	B	
Utility facilities	S	S	S	S	S	S	
Utility lines	B	B	B	B	B	B	
NON-RESIDENTIAL USES: RETAIL							
Accessory buildings, structures and uses	B	B	B	B	B	B	

Consumer service businesses:							
Up to 4,000 SF, GFA	B	B	B	B	B	B	
Up to 10,000 SF, GFA	S	B	B	B		B	
10,001+ GFA	S	S	B	S		B	
Farmer's market		S	S	B		B	
Greenhouses/nurseries			B	B		B	
Grocery stores:							
Convenience		B	B	B	S	B	
General, up to 10,000 SF, GFA		B	B	B		B	
General, 10,001+ SF, GFA		B	B	B			
Home improvement center			B	B		B	
Pharmacies:							
1—1,700 SF, GFA	B	B	B	B	B	B	
1,701—4,000 SF, GFA	S	B	B	B	S	B	
4,001+ SF, GFA	S	B	B	S		B	
Shopping centers		B	B				
Shopping malls		S	S				
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)		T	T				
Other retail stores (non-specified):							

Up to 4,000 SF, GFA	B	B	B	B	B	B	
Up to 20,000 SF GFA		S	B	S		B	
20,000+ SF, GFA			B	S			
NON-RESIDENTIAL: INDUSTRIAL							
Accessory buildings, structures and uses	B	B	B	B	B	B	1105
Assembly, industrial	S*	S	S	B		B	*<4,000 sq. ft.
Beverage or food processing, packaging and bottling plants				B		B	
Brewery and bottling facility				B		B	
Compounding of cosmetics, toiletries, drugs and pharmaceutical products				B		B	
Construction storage yard				B		S	1173
Contractor or tradesman shop (HAZMAT)				B			
Frozen food lockers		B	B	B		B	
Greenhouse/nursery (wholesale)			B	B		B	
Industrial equipment: service and repair			B	B		B	
Janitorial service company			B	B		B	
Kennels				S			
Laboratory, medical	S	S	B	B		B	
Laboratory, pharmaceutical			B	B		B	
Landscape service company			S	B		B	

Laundries		B	B	B		B	
Manufactured home sales			S	B			
Manufacturing, light				B		B	
Moving companies			B	B		B	
Printing/publishing facility	S	S	B	B		B	
Open storage yard				B		S	1173
Outdoor storage, accessory to industrial use				B		S	1173
Research and testing laboratories	S	S	B	B		B	
Self-storage companies			S	B		S	
Warehouses			S	B		B	
Welding or machine shop				B			
Wholesale establishments			B	B		B	
Sign painting			S	B		B	

(6-6-05(2); 11-6-06(2); 2-20-07; Ord. of 5-21-07(3); 9-15-08(1); 3-16-09(3); 7-20-09(2); 10-4-10(2); 10-4-10(3); 1-18-11; 4-18-11(2); 5-6-13(2))

Sec. 34-796. - Use matrix—Mixed use corridor districts.

The uses and residential densities allowed within the city's mixed use corridor districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216).

A = Ancillary use	DUA = dwelling units per acre	P = provisional use permit
B = by-right use	GFA = gross floor area	S = special use permit
CR = commercial/residential	MFD = multifamily development	T = temporary use permit
M = mixed use development	M/S = mixed use or special use permit	A/S = Ancillary or special use permit

Use Types	ZONING DISTRICTS													
	D	DE	DN	WMN	WMS	CH	HS	NCC	HW	WSD	URB	SS	CD	CC
RESIDENTIAL AND RELATED USES														
Accessory apartment, internal						P								
Accessory apartment, external						P								
Accessory buildings, structures and uses (residential)	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Adult assisted living														
1—8 residents		B	B	B	B	B	B	B					B	B
Greater than 8 residents			S			B	S	S	S					
Adult day care						B								
Amateur radio antennas, to a						B								

height of 75 ft.														
Bed-and-breakfasts:														
Homestay	B	B	B	B	B	B	B	B	B	B	B	B	B	B
B & B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Inn	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Boarding: fraternity and sorority house													S	
Boarding house (rooming house)													S	
Convent/monastery	B	B	B	B	B	B	B	S	B	B	B	B	B	B
Criminal justice facility						B								
Dwellings:														
Multifamily	M	B	B	M	M	B	B	M	B	M	B	M	M	B
Single-family attached		B	B	B	B	B	B	B					B	B
Single-family detached		B	B	B	B	B	B	B					B	B
Townhouse		S	S			B								
Two-family						B								
Family day home														
1—5 children		B	B	B	B	B	B	B					B	B
6—12 children														
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Manufactured home parks														
Night watchman's dwelling unit, accessory to industrial use														
Nursing homes						B	S	S	S					
Occupancy, residential														
3 unrelated persons														
4 unrelated persons	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Residential treatment facility														
1—8 residents	B	B	B	B	B	B	B	B	B	B	B	B	B	B
8+ residents	S	S	S	S	S		S	S	S	S	S	S	S	S
Shelter care facility	S	S	S	S	S		S	S	S	S	S	S	S	S
Single room occupancy facility	S	S	S	S	S	S	S			S	S	S	S	S
Temporary family health care structure		T	T	T	T	T	T	T					T	T
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL														
Access to adjacent multifamily, commercial, industrial or mixed-use development or use														
Accessory buildings, structures and uses	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Amusement center	S	S	S	S	S					B	S	S	S	S
Amusement enterprises														

(circuses, carnivals, etc.)														
Amusement park (putt-putt golf; skateboard parks, etc.)														
Animal boarding/grooming/kennels:														
With outside runs or pens														
Without outside runs or pens	B					S			S					
Animal shelter														
Art gallery:														
GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B
GFA up to 10,000 SF	B	B	S	B	B		S			B	S	B	B	S
Art studio, GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Art workshop	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Assembly (indoor)														
Arena, stadium (enclosed)														
Auditoriums, theaters														
Maximum capacity less than 300 persons	B	B	S	B	B	S	S		B	B			S	S
Maximum capacity greater than or equal to 300 persons	S	S		S	S					S				
Houses of worship	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Assembly (outdoor)														

Amphitheater	B	S	S	S	S		S		S	B	S	B	S	S
Arena, stadium (open)														
Temporary (outdoor church services, etc.)	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Assembly plant, handcraft		S												
Assembly plant														
Automobile uses:														
Gas station		S				S			B		S			
Parts and equipment sales		B			B				B		S			B
Rental/leasing									B		S			
Repair/servicing business		S				B	S		B		S			
Sales						S			B					S
Tire sales and recapping						B			B		B			
Bakery, wholesale														
GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B
GFA up to 10,000 SF														
Banks/ financial institutions	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Bowling alleys								S	S					
Car wash									S		S			
Catering business	B	B	B	B	B	B	B	B	B	B	B	B	B	B

Cemetery														
Clinics:														
Health clinic (no GFA limit)									S					
Health clinic (up to 10,000 SF, GFA)	S	B	S	B	B	S	B		B	S	B	S	B	B
Health clinic (up to 4,000 SF, GFA)	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Public health clinic	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Veterinary (with outside pens/runs)									S					
Veterinary (without outside pens/runs)						S			S					S
Clubs, private	S	S	S	S	S	S			B	S	B	S	S	B
Communications facilities and towers:														
Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Attached facilities not visible from any adjacent street or property	B	B	B	B	B	B	B	B	B	B	B	B	B	B
<u>Microcells visible from an adjacent street or property</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>

Attached facilities visible from an adjacent street or property	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Alternative tower support structures	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
Monopole tower support structures														
Guyed tower support structures														
Lattice tower support structures														
Self-supporting tower support structures														
Contractor or tradesman's shop, general														
Crematorium (independent of funeral home)														
Data center >4,000	B	B	S		S	B	S		B	B	B	B		S
<4,000	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Daycare facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Dry cleaning establishments	B	B		B	B				B	B	B	B	B	B
Educational facilities (non-residential)														
Elementary	B	B	B	B	B	B	B	B	B	B	B	B	B	B
High schools	B	B	B	B	B	B	B	B	B	B	B	B	B	B

Colleges and universities						B								
Artistic instruction, up to 4,000 SF, GFA	B	B	B	B	B	B	B	S	S	B	B	B	B	B
Artistic instruction, up to 10,000 SF, GFA	S	B			B	B				S		S		S
Vocational, up to 4,000 SF, GFA						B								
Vocational, up to 10,000 SF, GFA						B								
Electronic gaming café									S					
Funeral home (without crematory)														
GFA 4,000 SF or less		B	B	B	B	B	B				B			B
GFA up to 10,000 SF		B	S	S	S		S				S			
Funeral homes (with crematory)														
GFA 4,000 SF or less		B				B								
GFA up to 10,000 SF		B												
Golf course														
Golf driving range														
Helipad														
Hospital		S	S	S	S	B							S	
Hotels/motels:														
Up to 100 guest rooms	B	B		B	B	B	B		B	B	B	B	B	B

100+ guest rooms	B	B		S	B		B		B	B	B	B	S	S
Laundromats		B				B			B					
Libraries	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Manufactured home sales														
Microbrewery	B	B	B	B	B		B		B	B	B	B	B	B
Mobile food units	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Movie theaters, cineplexes	S	S	S	S	S	B	S		B	S	S	S	S	S
Municipal/governmental offices, buildings, courts	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Museums:														
Up to 4,000 SF, GFA	B	B	B	B	B	B	B	S	S	B	B	B	B	B
Up to 10,000 SF, GFA	S	B	S	S	B	B	B			S	B	S	S	B
Music hall	B	P		B	B				B	B	B	S	B	P
Offices:														
Business and professional	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Medical	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Philanthropic institutions/agencies	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Property management (ancillary to MFD)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Other offices (non-specified)	B	B	B	B	B	B	B	B	B	B	B	B	B	B

Outdoor storage, accessory		S				S			B		S			
Parking:														
Parking garage	B	B	A/S	A/S	A/S	A/S	A/S		A/S	B	A/S	B	A/S	A/S
Surface parking lot (19 or less spaces)	B	B	B	B	B	B	B		B	B	B	A	B	A
Surface parking lot (more than 20 spaces)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary parking facilities														
Photography studio	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Photographic processing; blueprinting	B	B								B		B		
Radio/television broadcast stations	B	B	B	B	B	B	B			B	B	B	B	B
Recreational facilities:														
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)														
GFA 4,000 SF or less	B	B	B	B	B	B	B	B	B	B	B	B	B	B

GFA (4,001—10,000 SF)	B	B	S	S	B	S	B			B	B	B	S	S
GFA more than 10,000 SF	B	B	S	S	B		S			B	S	B	S	S
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city-owned), and related concession stands	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S	S	S	S	S	B	S	S	S	S	S	S	S	S
Restaurants:														
All night	S	S		S	S		S			S	S	S	S	S
Drive-through windows						S	S				S			S
Fast food	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Full service	B	B	B	B	B	B	B	B	B	B	B	B	B	B
24-hour														
Towing service, automobile														
Technology-based businesses	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Taxi stand		B		S	S	B	S		B		B		S	B
Transit facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Utility facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B

NON-RESIDENTIAL USES: RETAIL														
Accessory buildings, structures and uses	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Consumer service businesses:														
Up to 4,000 SF, GFA	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Up to 10,000 SF, GFA	B	B	B	B	B	S	S	S	S	B	B	B	B	S
10,001+ GFA		B	S	S	S			B	S		B		S	
Farmer's market	S	S	S	S	S		S	S	S	S	S	S	S	
Greenhouses/nurseries		S				B			B		S			
Grocery stores:														
Convenience	B	B	B	B	B	B	B	B	B	B	B	B	B	B
General, up to 10,000 SF, GFA	S	B	S	S	B	S	B	S	B	S	B	S	S	B
General, 10,001+ SF, GFA	S	B	S	S	B		S		B	S	B	S	S	S
Home improvement center		S				S			B					
Pharmacies:														
1—1,700 SF, GFA	B	B	B	B	B	B	B	B	B	B	B	B	B	B
1,701—4,000 SF, GFA	B	B	S	B	B	S	S		B	B	B	B	B	B
4,001+ SF, GFA	B	B	S	B	B	S	S		B	B	B	B	B	S
Shopping centers	S	S	S	S	S	S	S		B	S	S	S	S	S
Shopping malls	S	S	S	S	S		S		S	S	S	S	S	S

Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)		T								T		T			T
Other retail stores (non-specified):															
Up to 4,000 SF, GFA	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Up to 20,000 SF GFA	S	B	S	S	B	S	S		B	S	B	S	S	S	S
20,000+ SF, GFA	S	B			S				B	S	B	S		S	
NON-RESIDENTIAL: INDUSTRIAL															
Accessory buildings, structures and uses															
Assembly, industrial															
Beverage or food processing, packaging and bottling plants															
Brewery and bottling facility															
Compounding of cosmetics, toiletries, drugs and pharmaceutical products															
Construction storage yard															
Contractor or tradesman shop (HAZMAT)															
Frozen food lockers															
Greenhouse/nursery (wholesale)															
Industrial equipment: service															

and repair														
Janitorial service company														
Kennels														
Laboratory, medical >4,000 sq. ft.	S	B	S	B	B	B				S		S	B	S
<4,000 sq. ft.	B	B	B	B	B	B	B	B	B	B	B	B	B	
Laboratory, pharmaceutical >4,000 sq. ft.	S	S		S	S	S				S		S	S	
<4,000 sq. ft.	B	B	B	B	B	B	B	B	B	B	B	B	B	
Landscape service company														
Laundries														
Manufactured home sales														
Manufacturing, light														
Moving companies														
Printing/publishing facility	S	B	S	S	S					S	S	S	S	S
Open storage yard														
Outdoor storage, accessory to industrial use														
Research and testing laboratories		B		B	B	B							B	S
Self-storage companies														
Warehouses														

Welding or machine shop														
Wholesale establishments														

(6-6-05(2); 6-19-06; 5-19-08(4); 9-2-08(2); Ord. of 9-15-08(1); 11-17-08(1); 11-17-08(2); 3-16-09(3); 7-20-09(2); 11-16-09; 2-16-10; 7-19-10; 10-4-10(2); 12-20-10(1); 1-18-11; 4-18-11(2); 6-20-11(2); 12-17-12(2); 5-6-13(2))

DIVISION 5. - TELECOMMUNICATIONS FACILITIES

Sec. 34-1070. - Purpose and intent.

The purpose and intent of this division is to establish guidelines for the siting of communications towers and personal wireless service facilities. The goals of this division are to:

- (1) Allow for a range of locations for communications towers and personal wireless service facilities, subject to clear buffering and safety standards.
- (2) Encourage the joint use of new and existing support structures, and minimize the total number of communications towers and personal wireless service facilities throughout the community.
- (3) Encourage users of communications towers and personal wireless service facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- (4) Minimize adverse visual impacts of towers and antenna through careful design, siting, landscaping screening and innovative camouflaging techniques.
- (5) Encourage users of communications towers and personal wireless service facilities to configure them in a way that minimizes adverse visual impact;
- (6) Promote compatibility of communications towers and personal wireless service facilities with surrounding land uses, and protect the attractiveness, health, safety, general welfare and property values of the community.
- (7) Avoid potential damage to adjacent properties from tower failure through responsible engineering practices and careful siting of tower structures.
- (8) Minimize traffic impacts on surrounding residential areas.
- (9) Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.

(9-15-03(3))

Sec. 34-1071. - Definitions.

For definitions of special terms utilized within this division, refer to Article X (Definitions), section 34-1200.

(9-15-03(3))

Sec. 34-1072. - Applicability.

- (a) A communications facility or tower that was completely constructed on a site prior to February 20, 2001, in any zoning district, shall be considered a conforming use.
- (b) A communications facility, in any zoning district, which has received city approval in the form of either a building permit, site plan approval or special use permit, but which has not yet been constructed or placed into operation on February 20, 2001, shall be considered an existing, conforming use if the building permit, site plan approval or special use permit remains valid, and has not expired.
- (c) Placement of an attached communications facility on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure.
- (d) The requirements of this division shall supersede conflicting requirements contained in other city zoning or site plan ordinances regarding the siting and permitting of communications facilities.

(9-15-03(3))

Sec. 34-1073. - Facilities by district.

- (a) Within the city's historic and entrance corridor overlay districts:
- (1) The following shall be permitted uses: antennae or microcells mounted on existing communications towers ~~established prior to February 20, 2001~~; attached communications facilities utilizing utility poles or other electric transmission facilities as the attachment structure; ~~and microcells visible from adjacent street or property~~; other attached communications facilities if such other attached communications facilities are not visible from any adjacent street or property; ~~and alternative towers~~.
 - (2) The following shall be prohibited uses: attached communications facilities where such facilities are visible from any adjacent street or property, and ~~communications facilities utilizing alternative tower~~, monopole tower, guyed tower, lattice tower and self-supporting tower support structures.
- (b) Within other zoning districts of the city, the permitted communications facilities are identified within the use matrix for the applicable districts. Facilities other than those identified within the use matrix for a particular district shall be prohibited.

(9-15-03(3))

Sec. 34-1074. - Height.

- (a) Where attached communications facilities are permitted within a zoning district, ~~the attachment structure shall be at least forty (40) feet in height, and~~ the total height of the communications facility (including the attachment structure, antenna and any attachment devices) shall not be more than twenty (20) feet greater than the original height of the attachment structure.
- (b) The following height restrictions shall apply to freestanding communications facilities, wherever located:
- (1) Where a support structure is used by and for a single communications facility, maximum height shall not exceed seventy (70) feet.
 - (2) Where a support structure is used by and for two (2) co-located communications facilities, then maximum height shall not exceed one hundred (100) feet.
 - (3) Where a support structure is used by and for three (3) or more co-located communications facilities, then maximum height shall not exceed one hundred fifty (150) feet.
- (c) Any communications facility that exceeds the height restrictions or dimensions allowed by right under paragraphs (a) or (b), above, shall require a special use permit.

(9-15-03(3))

Sec. 34-1075. - Setback requirements.

- (a) All communications facilities shall comply with the minimum setback requirements of the zoning district in which they are located.
- (b) Support structures for freestanding communications facilities shall be located on a lot in such a manner that, in the event of collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- (c) No portion of any freestanding communications facility shall project into a required setback more than the maximum projection permitted in the zoning districts in which the facility or antenna is located.

Comment [LHS1]: Note that these aren't freestanding towers; they are stealth support structures or enclosures such as cupolas, clock towers, water towers, light poles.

Comment [LHS2]: Attached communications facilities involve antennas on buildings or structures; the term "structures" includes electricity poles, signs, water towers, etc. but NOT communications towers.

(d) Where alternative tower, monopole tower, lattice tower or other self-supporting tower support structures are permitted, either by right or by special use permit:

- (1) The communications facility shall be set back from any existing residence, residentially-zoned property, public street or other public property, a distance of at least the height of the PWSF or communications facility, but in no event less than one hundred (100) feet.

(9-15-03(3); 7-16-12)

Sec. 34-1076. - Separation requirements.

(a) Freestanding communications facilities shall conform to the following separation requirements (i.e., minimum distance from the nearest established freestanding communications facility):

Facility Height	Minimum Separation Requirement
<50 feet	300 feet
50—100 feet	500 feet
101—150 feet	750 feet

(b) Alternative tower structures, and attached communications facilities, shall be exempt from the provisions of section (a), above.

(c) When a freestanding communications facility is located on a site containing one (1) or more other principal uses, the minimum distance between the tower support structure and any other principal use located on the same site shall be the greater of twenty (20) percent of the communications facility, or twenty-five (25) feet.

(9-15-03(3))

Sec. 34-1077. - Screening and landscaping.

(a) Landscaping shall be used to screen the view of freestanding communications facilities from adjacent public streets and public property, adjacent residentially-zoned property and adjacent residences. The minimum landscaping requirements shall be as follows:

- (1) For facilities one hundred fifty (150) feet in height or less, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five (5) feet apart within ten (10) feet of the perimeter of the required setback area.
- (2) For towers more than one hundred fifty (150) feet in height, in addition to the requirements set forth in subsection (a)(1), above, at least one (1) row of deciduous trees, with a minimum caliper of two and one-half (2½) inches at the time of planting, and spaced not more than forty (40) feet apart, shall be provided within twenty (20) feet of the perimeter of the required setback area.
- (3) All security fencing shall be screened from view.

(b) Landscaping materials shall consist of drought-resistant native species.

- (c) Landscaping materials shall be maintained by the owner and operator of the support structure for the life of the installation.
- (d) Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.

(9-15-03(3); 7-16-12)

Sec. 34-1078. - Lighting and security.

- (a) No communications facility shall be artificially lighted, except for:
 - (1) Security and safety lighting of equipment buildings, if such lighting is appropriately down-shielded to keep light within the boundaries of the site.
 - (2) Such lighting as may be required by the FAA, FCC or other applicable governmental authority, installed in such a manner as to minimize impacts on adjacent residences. Where the FAA or FCC requires lighting "dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA or FCC guidelines.
- (b) Security fencing shall be required around the perimeter of support structures and any accessory utility structures associated with freestanding communications facilities, in accordance with the following minimum requirements:
 - (1) Security fencing shall be maintained by the owner and operator(s) of the communications facility, for the life of the facility. Security fencing shall be constructed of decay-resistant materials, and shall be not less than six (6) feet in height.
 - (2) Security fencing shall be equipped with anti-climbing devices.
 - (3) For alternative tower structures where the support structure is secured so that the public cannot access the antenna array, equipment shelter and other apparatus for a PWSF or other communications facility, security fencing shall not be required.

(9-15-03(3); 7-16-12)

Sec. 34-1079. - Signs and advertising.

- (a) No sign(s) shall be permitted on any communications facility, except as may be required for public safety purposes, or as required by the FAA or FCC.
- (b) No materials or markings containing any advertising or advertisement shall be permitted on any communications facility.

(9-15-03(3))

Sec. 34-1080. - Visibility and placement.

- (a) Attached communications facilities shall comply with the following requirements as to visibility and placement:
 - (1) Where such facilities are visible from adjacent properties, or from public rights-of-way, they shall be designed and located so as to blend in with the existing structure to the maximum extent feasible, through measures such as placement in the least visible location which is consistent with proper functioning of the communications equipment, and use of compatible or neutral colors.
 - (2) Where such facilities are visible to residences, but have a visual impact that cannot reasonably be mitigated by placement and color solutions, the facilities shall be screened from view or concealed.

Comment [LHS3]: Attached facility includes the equipment shelter per the definition, so subsection (c) may be unnecessary.

- (3) Antennas and any supporting electrical and mechanical equipment shall be of a neutral color that is compatible with the color of the attachment structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- (b) All support structures shall be of a galvanized finish, or painted gray, above the surrounding treeline or built environment. Below the surrounding treeline support structures shall be painted gray or green; or, below the line of the surrounding built environment such structures shall be painted in a neutral color that will blend with the surrounding built environment. These requirements shall apply unless other coloring or marking is required by FAA or FCC regulations.
- (c) Equipment shelters shall, to the extent practicable, use materials, colors, textures screening and landscaping that will blend with the natural setting and built environment. The equipment shelters and/or cabinets used ancillary to a microcell shall be contained wholly within a building or structure, located underground, or, if visible from adjacent properties or from public rights-of-way, otherwise concealed and/or camouflaged, or located designed and located so as to blend in with the existing structure to the maximum extent feasible, through measures such as placement in the least visible location which is consistent with proper functioning of the communications equipment, and use of compatible or neutral colors underground.
- (d) Antennas and other broadcasting or receiving equipment collocated on a single support structure or attachment structure shall, to the greatest extent feasible, be of similar size, design, coloring and appearance.
- (e) As long as all siting, setback, separation and general requirements of this division are met, freestanding communications facilities may occupy a parcel meeting the minimum lot size requirements for the zoning district in which they are located.
- (f) For freestanding communications facilities with a height in excess of one hundred fifty (150) feet, the number and placement of antennas or other receiving or transmitting devices collocated on a single support structure shall be limited so that, in the aggregate, the facility(ies) will not have an excessive adverse visual impact on adjacent properties, or on the view from any historic or entrance corridor overlay district.

(9-15-03(3))

Sec. 34-1081. - Construction and operational standards.

- (a) All support structures shall be constructed to comply with the Electronic Industries Association (EIA) current standards (EIA222-D, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by EIA, effective June 1, 1987, as from time to time amended or revised).
- (b) All support structures shall be constructed to comply with the Virginia Uniform Statewide Building Code (USBC), effective September 1, 1973, as from time to time amended or revised, and with the provisions of any applicable city ordinance(s).
- (c) All communications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government having authority to regulate such facilities. Every twelve (12) months from the date of issuance of a building permit, or, where required, from the date of final approval of a site plan, the owner or operator of an approved communications facility shall submit to the director of neighborhood development services or his designee documentation that the communications facility complies with all applicable federal and state standards and regulations.
- (d) The owner and operator of a freestanding communications facility shall provide for and conduct an inspection the support structure at least once every three (3) years. Such inspection shall be conducted by a structural engineer licensed to practice within the Commonwealth of Virginia. A written report of the results of the inspection shall be provided to the director of neighborhood development services or his designee, verifying structural integrity and the name(s) and address(es) of any tenant(s) having equipment located on the structures.

Formatted: Font: (Default) Arial, 10 pt, Highlight

Comment [LHS4]: This subsection (c) may be redundant with (a) if (a) is read to include not only the antenna and support structure but also the equipment cabinet.

Formatted: Font: (Default) Arial, 10 pt, Highlight

- (e) Machinery and equipment used ancillary to a communications facility shall be automated to the greatest extent possible.
- (f) Areas sufficient for the temporary off-street parking of at least two (2) vehicles shall be provided for freestanding communications facilities. The type and configuration of parking may be approved by the director of neighborhood development services or his designee.
- (g) A copy of any road maintenance agreement for any site accessed by private easement shall be provided as part of any application for a freestanding communications facility, or for a modification of an existing such facility. Where a freestanding communications facility site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.
- (h) Freestanding communications facilities in excess of one hundred fifty (150) feet of height (including antenna arrays) shall be constructed to accommodate no less than three (3) telecommunications carriers or service providers.

(9-15-03(3))

Sec. 34-1082. - Collocation.

- (a) Providers of communications services are encouraged to construct and site their PWSF and other communications facilities, attached or freestanding, with a view towards sharing facilities and support structures with other utilities, collocation with other providers, and to accommodating the future collocation of other future facilities, wherever technically, practically and economically feasible. The city shall work with telecommunications providers to facilitate the siting of PWSF or other communications facilities on city-owned and other publicly-owned property, by identifying existing facilities, the appropriate contact persons, and the appropriate leasing procedures.
- (b) A person seeking approval of a site plan or special use permit for a new freestanding communications facility shall document that reasonable attempts have been made to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.
- (c) Accessory structures necessary for the housing or shelter of equipment used in direct support of a communications facility shall be allowed, but such structures may not be used for offices, vehicle storage or other storage. No equipment, machinery or vehicles other than that which is utilized in direct support of a communications facility shall be stored or parked at the site, except when necessary in connection with repairs to the facility.
- (d) Communications facilities may be located on sites containing one (1) or more other principal uses; however, such joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or dangerous chemicals.

(9-15-03(3))

Sec. 34-1083. - Permit processes.

- (a) *Building permit.* Where a microcell or attached communications facility is a permitted use, and will not exceed the by-right height restrictions or dimensions set forth within this division, only a building permit shall be required.
 - (1) Prior to issuance of a building permit, the zoning administrator shall certify that the proposed microcell or attached communications facility meets all applicable standards and requirements set forth within this division.
 - (2) Upon application for a building permit, review will be conducted by the department of neighborhood development services and the zoning administrator, with support from other city staff and/or city-retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee. The city shall have the right to

retain independent technical consultants and experts that it deems necessary to properly evaluate such applications, and to charge a reasonable fee for such services to the applicant as part of the required application fee. Such fee shall include but shall not be limited to, the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.

- (b) *Site plan.* All freestanding communications facilities, all microcells or attached communications facilities exceeding the height or dimensions specified in section 34-686, and all modifications of existing such facilities, shall require an approved site plan. For the purpose of this requirement, location of additional antennas or microcells on a previously approved facility shall not be deemed a modification of an existing facility requiring a new site plan, so long as such additional antennas or microcells themselves meet any applicable requirements of this division.
- (1) Upon application for site plan review, review will be conducted by the department of neighborhood development services, with support from other city staff and/or city-retained consultants as may be designated or deemed necessary by the director of neighborhood development services or his designee.
 - (2) The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate such applications, and to charge a reasonable fee for such services to the applicant as part of the required application fee. Such fee shall include but shall not be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate such applications.
- (c) *Site plan applications.* Each applicant requesting site plan review under this division shall submit the following information as part of the application:
- (1) A site plan and elevations, drawn to scale, and other supporting drawings or photographic simulations, specifying the appearance, height, location and dimensions of the proposed facility, including: support structure; equipment shelters; accessory uses; coloring of materials; parking; access; landscaped areas; fences; adjacent land uses; separation and setback calculations; and property boundaries. A cross section of the support structure shall be included.
 - (2) A landscape plan to scale, indicating the size, spacing and type of plantings, and indicating existing significant vegetation to be removed, and vegetation proposed for planting to replace any lost vegetation; and a natural resources screening, based upon direct observation and/or generally available data sources, of the proposed support structure site; and information as to how the applicant will implement practical measures to avoid, minimize and/or mitigate (in that order of preference) potential adverse impacts.
 - (3) A utilities inventory showing the location of all water, sewer, drainage, gas, and power lines at the site.
 - (4) Information concerning support structure specifications, and compliance with applicable EIA, ANSI and USBC standards, as applicable.
 - (5) Demonstration of the structural integrity of the proposed facility and its support structure; information as to the failure characteristics of the proposed facility and its support structure; demonstration that site conditions and setbacks are adequate to contain debris within the boundaries of the site in the event of structural collapse.
 - (6) A description of anticipated maintenance and operational needs, including frequency of necessary maintenance services, personnel needs, equipment needs, and traffic, noise or safety impacts of the maintenance and operation of the facility.
 - (7) Total anticipated capacity of the support structure as proposed, including a description of the number, type, technical capabilities and limitations, and the placement of antenna or other receiving or transmitting devices to be located on the support structure, and information sufficient to enable the city to evaluate the visual impact of the proposed facility on adjacent properties and views.

- (8) Information as to the additional tower capacity anticipated, including the approximate number and types of antennas or other equipment the structure could ultimately accommodate, together with a description of any limitations on the ability of the facility to accommodate other facilities or uses (e.g., radio frequency interference, mass height, frequency or other characteristics). The applicant shall include a description of the technical options available to overcome any listed limitations, and reasons why such technical options were not chosen to be incorporated in the proposed facility.
 - (9) A certification that the applicant has made reasonable efforts to find a collocation site acceptable to engineering standards, and that none was practically or economically feasible.
 - (10) A statement from a qualified radio frequency engineer licensed to practice in the Commonwealth of Virginia, or from the FCC, certifying that, as proposed, a communications facility complies with FCC guidelines concerning radio frequency radiation and emissions.
 - (11) Written statements from the FAA, FCC and any state governmental authority having jurisdiction or regulatory authority over the proposed facility, verifying that the proposed facility complies with all applicable regulations administered by that agency or authority, or that the proposed facility is exempt from any such regulations.
 - (12) Any other information which may be requested by the city to facilitate evaluation and review of the application.
- (d) *Special use permits.* The following uses may be permitted with a special use permit in every zoning district in which they would otherwise be permitted by right:
- (1) A microcell which exceeds the dimensions specified within section 34-~~683~~1200 (the definition of microcell), or which is mounted on a support structure exceeding the height restrictions set forth within section 34-1074
 - (2) An attached communications facility that exceeds the height or dimensions specified in section 34-1074
 - (3) A freestanding communications facility that exceeds the height specified in section 34-1074
- (e) Where a facility is permitted by special use permit approval, receipt of final site plan approval and a building permit shall also be required. Each application for a special use permit under this division shall include the following information, in addition to the information required as part of a site plan or building permit application:
- (1) Demonstration that the proposed site is appropriate for the location of the facility. Information relevant to this factor includes, without limitation: topographic features or advantages of the site; site location in relation to provision of adequate wireless communications transmission or other type of communications broadcast, transmission or receipt; physical site characteristics in relation to the construction of the facility, including potential impacts on adjacent land uses; technical capabilities and limitations of the facility to be established; adequacy of setbacks to protect adjacent residential or public properties, or public streets in the event of a support structure failure; the ability to buffer, through use of vegetative, topographic or other measures, the impact of the use on adjacent residential or public streets or properties; impact on adjacent buildings, structures or sites of historic significance.
 - (2) A list of all existing support structures and antenna sites within a two-mile radius from the proposed site (list to include street address, tax parcel number, existing uses and existing height), outlining opportunities for shared use as an alternative to the proposed use. The applicant shall demonstrate that the proposed support structure, antenna or microcell cannot be accommodated by other existing approved facilities due to one (1) or more of the following reasons:
 - a. Unwillingness of the owner of the existing facilities to entertain a wireless communication facility proposal, or unwillingness of such owner to provide space on economically reasonable terms;

Comment [LHS5]: Is this insertion correct? For example, currently, an attached facility is not permitted at all in a residential district or in an historic or entrance corridor overlay district if it is visible from an adjacent street; so, it would not be permitted by SUP if it exceeds height restrictions of 34-1074. We want to change, of course, the prohibition by allowing attached facilities all such districts subject to certain dimensional restrictions.

- b. The planned equipment would exceed the structural capacity of existing and approved support structures and facilities, considering existing and planned use for those facilities;
 - c. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
 - d. Existing or approved support structures of facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
 - e. Other reasons, described in specific factual detail, make it impracticable to place the equipment on existing and approved support structures or facilities;
 - f. The proposed co-location of an existing support structure or antenna site would be, by virtue of the requirements of this division, any city ordinance or the city's comprehensive plan, considered a prohibited use.
- (3) A statement certifying that, as proposed, the facility is consistent with provisions of Subchapter I of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321—4335. If an environmental assessment is performed pursuant to 47 C.F.R. Chapter I, Part I, Subpart I, a copy shall be provided to the city.
 - (4) Technical, engineering, and other pertinent factors which led to the selection of the particular design and proposed height of the facility.
 - (5) An inventory of the applicant's existing PWSFs or other communications facilities located within the city or within one (1) mile of the city's boundaries, including specific information about the location, height and design of each facility.
 - (6) A detailed description of the gap in service (described in technical terms and geographic area) that a proposed PWSF is designed to serve, together with documentation that the proposed PWSF is the least intrusive alternative available (e.g., that the applicant has considered less sensitive sites, alternative system designs, alternative tower designs, etc.).
 - (7) Any other information requested by the city to enable it to fully evaluate and review the application and the potential impact of the proposed facility.
- (f) The criteria to be applied by the city in reviewing an application for a special use permit are as follows:
 - (1) Whether the proposed facility has been designed and configured in a way that minimizes the adverse visual impact of support structures, antenna arrays and other associated structures and equipment on adjacent properties, particularly any adjacent residentially-zoned properties or any conservation or historic districts or protected properties, or any entrance corridors;
 - (2) Whether the proposed facility has been designed and configured to promote compatibility with surrounding land uses and to protect the health, safety, general welfare and property values of the community;
 - (3) Whether the proposed facility has been designed and configured so that it will not have undue adverse impact on traffic or parking congestion in the surrounding neighborhood or the community;
 - (4) Whether the applicant has made all reasonable efforts to identify and locate opportunities for shared use (co-location) of existing support structures and antenna sites within an appropriate radius from the proposed site, as an alternative to the proposed use;
 - (5) Whether the proposed facility will meet all applicable federal, state and local laws and regulations, including building, fire and safety regulations; and
 - (6) Whether the proposed facility meets the applicable standards set forth within this division.
 - (g) The planning commission shall review and make recommendations to city council concerning approval or disapproval of the application for a special use permit for a PWSF or other

communications facility, based upon the review of the site plan for the proposed facility and upon the criteria set forth in this division and chapter.

- (1) The planning commission may concurrently approve a site plan subject to city council's approval of a special use permit, and subject to the necessary amendments to the site plan as a result of the city council action; or, alternatively,
 - (2) The planning commission may choose to consider the site plan after the approval of the special use permit by the city council.
- (h) The procedure for filing and consideration of an application for a special use permit for a communications facility is the same as that required by this chapter for a rezoning petition, except that each application for a special use permit under this division shall, in addition, contain a site plan and other supporting data sufficient to demonstrate compliance with the purposes and standards of this division and the other requirements set forth in this division.
- (i) Each application for a special use permit for a PWSF or other communications facility, or an amendment to such a special use permit, shall be accompanied by a fee in the amount of one hundred dollars (\$100.00), plus an additional amount specified by the director of neighborhood development services or his designee, as and for the cost of technical consultant(s) and experts deemed necessary by the city. Such fee shall include but shall not be limited to the hourly rate of the independent technical consultant or expert the city deems necessary to properly evaluate the application.
- (j) In granting any special use permit for a communications facility the city council may expand, modify, reduce or otherwise grant exceptions to the setback regulations, landscaping and screening requirements, height restrictions or visibility and placement restrictions set forth within this division, provided that the city council determines that such approval of the proposed facility meets the purpose and goals of this chapter. The resolution adopted by city council to grant any such special use permit shall include any exceptions or modifications as specific conditions of such permit.
- (k) Special use permits issued under the terms of this division shall be reviewed by the department of neighborhood development services no less than every five (5) years from the date of issuance for compliance with this division and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities are being violated.
- (l) Special use permits for communications facilities granted by the city council shall expire eighteen (18) months from the date of permit approval, if construction of improvements necessary to the use for which the permit was granted has not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes the intent to utilize the granted special permit in a period of time deemed reasonable for the type and scope of improvements involved.
- (m) Procedures for the amendment of a special use permit shall be the same for the original special use permit application.

(9-15-03(3))

Secs. 34-1084—34-1099. - Reserved.

Sec. 34-1200. - Definitions.

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Abutting means having a common border with another, or being separated from such other only by a right-of-way, alley or easement.

Access means and refers to the right of pedestrians and vehicles to cross between a public right-of-way and private property.

Accessory apartment means an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside. When contained within the structure of a single family dwelling, such apartment constitutes an "interior accessory apartment."

Accessory building, structure or use means a building, structure or use located upon the same lot as the principal use, building, or structure, the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common residential accessory buildings and structures.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Adult assisted living means A residential facility in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The term shall not include the home or residence of an individual who cares only for persons related to him by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or any other facility excluded from the definition of "assisted living facility," set forth within Code of Virginia § 63.2-100.

Adult day care means a facility that provides care and protection to four (4) or more aged, infirm or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of Mental Health, Mental Retardation and Substance Abuse Services; or the home or residence of an individual who cares only for persons related to him by blood or marriage.

Alley means a thoroughfare, whether dedicated to public use or privately owned, that provides access for persons and vehicles to the rear and/or side lot lines of properties from abutting public streets or private roads.

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

Amphitheater means a place of open-air (outdoor) assembly, consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed, with tiered/or sloped seating arranged in a semi-circular pattern in relation to the performance area.

Amusement center means any establishment, business or location in which there are more than three (3) mechanical, electrical or electronic devices used, or designed to be used, for entertainment or as games, by the insertion of currency, coins or tokens, or by the payment of money to have them activated, and any place of business, or portion thereof, containing more than one (1) billiard table for use by patrons of the business. Jukeboxes, rides and regulation size ten-pin or duck pin bowling alleys shall not, alone, form the basis of a determination that an establishment is an amusement center.

Amusement enterprise means any circus, carnival or similar transient show or entertainment.

Ancillary use means a use permitted only in conjunction with a principal use permitted in the same zoning district. Except where otherwise specified, the total floor area occupied by any ancillary use(s), in

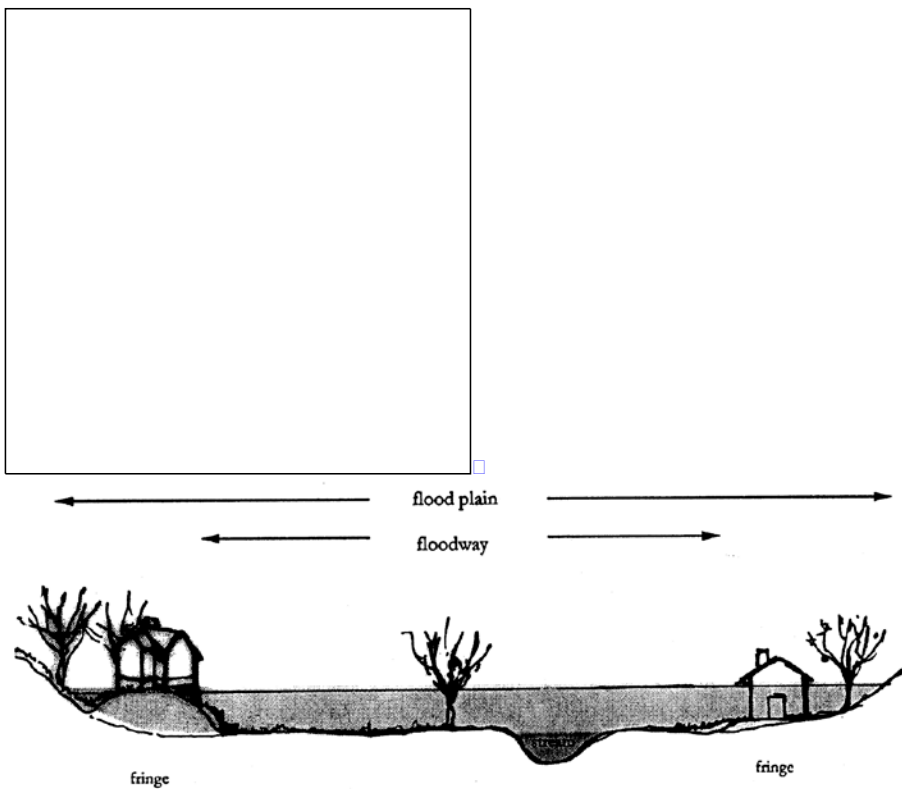
the aggregate, cannot exceed twenty-five (25) percent of the gross floor area of the building or development of which such use is a part.

Animal shelter means a facility used to house or contain animals and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or other such incorporated organization devoted to the welfare, protection and humane treatment of animals.

Antenna or antenna array as used in Article IX, section 34-1070, et seq. means one (1) or more whips (omni-directional antenna), panels (directional antenna), discs (parabolic antenna) or similar devices used for broadcast, transmission and/or reception of radio frequency signals. Reference to an antenna or antenna array does not include the support structure. The following shall be excluded for the purposes of this division, from the definition of antenna and antenna array: amateur radio antennas, satellite earth station antennas one (1) meter in diameter or less; receive-only home television antennas; and satellite earth station antennas two (2) meters or less in diameter located in a commercial or industrial zoning district.

Appurtenance means a feature or structure attached to a building that is used for or in connection with a building, incidental to such building and for its benefit.

Area of special flood hazard means the land within a community subject to a one-percent or greater chance of flooding in any given year. Also known as "floodplain."



Area of Special Flood Hazard

Arena/stadium means a place of assembly designed primarily as a place for sporting events, but which may occasionally be used for large concerts or other large-scale assemblies. An arena or stadium consists of a building or structure, containing a playing field, court or other central activity space surrounded by tiered or sloped seating on all sides. An arena or stadium may be classified as indoor, or outdoor, depending on the extent of its enclosure within a building or structure.

Art gallery means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Art studio means an establishment for preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items.

Art workshop means work space for artists or artisans.

Assembly plant, handcraft means a facility in which hand-crafted products are produced and assembled (i.e., ice cream, candy, jewelry, millinery, clothing, pottery, etc.).

Assembly plants means commercial facilities of up to ten thousand (10,000) SF of gross floor area, in which components are pieced together to form a finished product, and where ten (10) percent or less of the gross floor area of the facility is devoted to fabrication of component parts. The term includes any area devoted to research or testing of the finished product or of any technologies, components or materials related to the assembly/production process.

Assembly, industrial means an industrial facility in which components are pieced together to form a finished product.

Attached communications facility or attached facility as used in Article IX, section 34-1070, et seq. shall mean an antenna or other communications equipment (broadcasting or receiving, including any PWSF or microcell) that is attached to an existing building or structure ("attachment structure"). For the purposes of this definition, the term structure shall include, without limitation, utility poles, signs, and water towers; however, the term shall exclude communications towers. Where reference is made to an attached facility, unless otherwise specified the reference will be deemed to include any accompanying pole or device ("attachment device") which attaches the antenna array or communications equipment to the existing building or structure, as well as transmission cables and any equipment shelter which may be located either inside or outside the attachment structure.

Attachment structure as used in Article IX, section 34-1070, et seq. refers to the structure to which an attached communications facility is affixed.

Auditorium means a building, or portion thereof, designed or used for artistic performances or for civic, cultural, educational, political, social, religious gatherings and activities, or gatherings and activities of a similar nature.

Automatic teller machine (ATM) means a freestanding electronic banking machine. Where such a machine is part of the premises of a financial institution, it shall be considered a part of the financial institution and not a separate use.

Awning, for purposes of the city's sign regulations, means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid material on a supporting framework (compare "canopy").

Bakery, retail means an establishment engaged in the retail sale of baked goods for off-site consumption.

Bakery, wholesale means an establishment primarily engaged in the preparation of baked goods for wholesale or institutional distribution.

Banner for purposes of the city's sign regulations, means cloth, paper, or material of any kind intended to attract attention.

BAR refers to the board of architectural review created by the city pursuant to Code of Virginia § 15.2-2306 to administer the provisions of the city's historic district regulations.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as "regulatory flood" and "one-hundred-year flood."

Base flood elevation means the crest elevation in relation to mean seal level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

Basement means a portion of the building partly underground, but having more than half its clear height below the average grade of the adjoining ground.

Bed and breakfast ("B & B") means a temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a resident manager; having no more than eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare.

Bed and breakfast (Homestay) means a temporary lodging facility operated within a single family residence which is owner occupied and managed; having no more than three (3) guest rooms; and wherein food service shall be limited to breakfast and light fare for guests only.

Bed and breakfast (Inn) means temporary lodging facility operated within a residential dwelling; which is owner occupied and managed or having a resident manager, having no more than (15) guest rooms; and wherein food service may be provided.

Bedroom: this term shall have the same meaning as provided within the Uniform Statewide Building Code, except as follows: where any number of required parking spaces, or a restriction applicable to a particular dwelling unit, is based on a specified number of bedrooms, any bedroom (i) that is larger by thirty (30) percent or more than the average size of the other bedrooms in a dwelling unit, or (ii) that has more than one (1) means of ingress/egress, shall be counted as two (2) bedrooms for purposes of calculating parking requirements.

Beverage or food processing means a business/industrial facility where foods and beverages are processed and packaged for local, regional or national distribution. This definition does not include a facility engaged in the brewing/bottling of beverages (see brewery and bottling facilities).

Boarding and grooming, animal means any premises, including, without limitation, kennels, in which or upon which more than five (5) dogs or more than five (5) cats over six (6) months of age are kept for any purpose.

Boarding house means a building, or portion thereof, other than a hotel, which contains three (3) or more guest rooms designed or intended to be used, let or hired out for occupancy, for monetary compensation, where the rental or leases are for definite periods of time. Meals may or may not be provided, but there is one (1) common kitchen facility. No meals are provided to outside guests. Also commonly known as a rooming house.

Boarding, fraternity and sorority house means a building, or portion thereof, which contains three (3) or more guest rooms, designed or intended to be used as a place of room/board for members of a fraternity or sorority officially recognized by a college or university. Meals may or may not be provided, but there is one (1) common kitchen facility.

Body shop, automobile means a facility, other than a parking garage, designed or used for the repair, replacement and/or restoration of the body and/or chassis parts of motor vehicles, including collision repairs, in which mechanical repairs are performed only as is incidental and necessary to such body work.

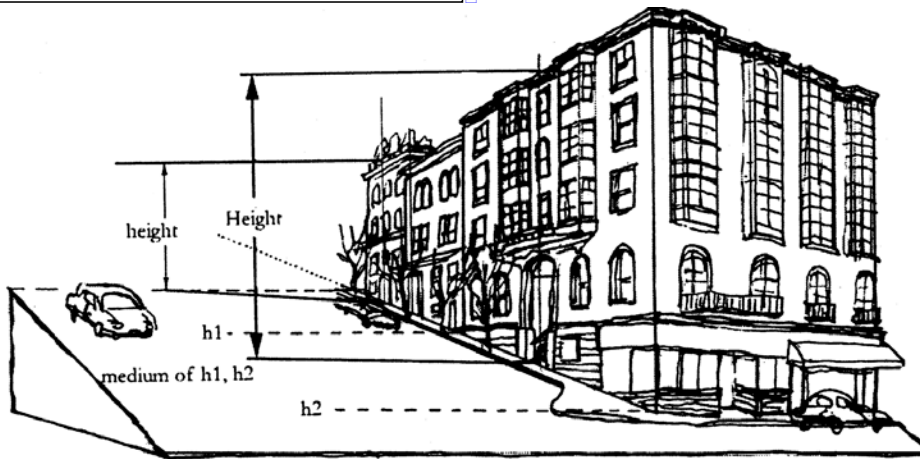
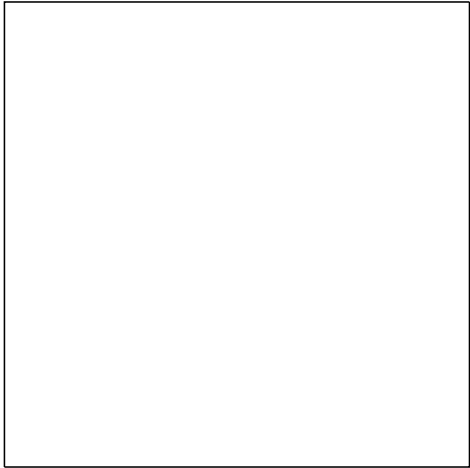
Brewery and bottling facilities means a business/industrial facility where beverages are brewed and bottled for local, regional or national distribution.

Buffer means a strip of land, which may or may not have trees and shrubs planted for screening purposes, designed to set apart and protect one (1) space or activity from an adjacent space or activity.

Building means any structure having a roof supported by columns or walls.

Building height means the vertical distance measured from the level of the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height

is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.



Building Height

Building permit refers to the approval required under the Uniform Statewide Building Code for or in connection with the construction, reconstruction, alteration, repair or conversion of certain buildings and structures. This permit is obtained from the city's building code official.

Building, principal means a building in which is conducted the principal use of the lot on which it is located. Where a lot contains residential uses, the principal building on the lot shall mean the largest building that contains any dwelling unit.

Building setback line means a line establishing the minimum required distance between the wall of a building and the nearest adjacent lot line.

By right means a use permitted or allowed in the district involved which complies with the provisions of these zoning regulations and other applicable ordinances and regulations.

Caliper means a measure of tree size, determined by measuring the diameter of the tree at a point: six (6) inches above the root ball, at the time of planting, or twelve (12) inches above the ground, for established trees.

Campus means an area of land constituting and making up the grounds of a college or university containing the main building(s).

Canopy for purposes of the city's sign regulations, means a permanent, roof-like structure of rigid materials supported by and extending from a building, including marquees and port coachers (drive-under canopies).

Car wash means any facility, whether manual, automatic or self-service, where, for compensation, the washing of vehicles including cars, vans and pick-up trucks is conducted. It includes auto dealer preparation and detailing, and non-government facilities for the cleaning of fleet vehicles. This definition does not include facilities that wash or steam clean engines, buses, horse/cattle trailers, tankers or tractor-trailers. A manual car wash is a facility where cleaning is performed by employees of the facility. An automatic car wash is a facility where cleaning is primarily performed by machines (including drive-through facilities), but which may include some labor performed by employees of the facility. A self-service car wash is one in which cleaning equipment and facilities (such as water and soap) are available for use by members of the public, including, without limitation, coin-operated equipment and facilities.

Carport means a space outside a single-family or two-family dwelling, and contiguous thereto, wholly or partially covered by a roof but without side enclosure(s), used for the shelter of motor vehicles.

Catering business means any place or operation that prepares or stores food for distribution to persons of the same business operation, or a related business operation, for service to the public, including, but not limited to operations preparing or storing food for push-cart operations, hotdog stands and other mobile points of service.

Cemetery means any land or structure used or intended to be used for the interment of human remains, either by earth burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof.

Certificate of appropriateness refers to a permit issued by a board created by the city pursuant to Code of Virginia § 15.2-2306 to administer the provisions of the city's historic architectural design control, or entrance corridor overlay district regulations.

Certificate of occupancy refers to the approval required under the Uniform Statewide Building Code prior to the use or occupancy of certain buildings and structures. This permit is obtained from the city's building code official.

Change of use means any use which substantially differs from a previous use of a building structure, or property.

Child or *children* means except where otherwise specifically limited, the terms "child" or "children" shall refer to any person(s) under the age of eighteen (18) years.

Clinic, health and *clinic, medical* means any building, or portion thereof, in which the primary use is the provision of health care services to clients for compensation. This term "health care services" shall include medical, dental, and mental health services, and other services delivered by providers who are certified or licensed by any of the health regulatory boards within the State Department of Health Professions (except the board of funeral directors and embalmers, or the board of veterinary medicine). The term shall include ambulatory care facilities, outpatient clinics, and similar uses.

Clinic, public health means any building, or portion thereof, in which the primary use is the provision of health care services to indigent persons by any public or nonprofit agency or organization.

Club means a building, or portion thereof, used by a corporation, association, or other grouping of persons for private social, civic, educational or recreational purposes, and to which access is restricted to members of such group.

Cluster development means a residential development designed in a manner that, without exceeding the density allowed within an applicable zoning district, concentrates lots in specific areas and allows the remaining, unoccupied land to be used for common open space.

Co-location (collocation) for purposes of Article IX, section 34-1070, et seq. shall mean use of an attachment structure or support structure by (i) two (2) or more wireless license holders, radio stations or television stations, or combination thereof, (ii) one (1) wireless license holder, radio station or television for more than one (1) type of communications technology, or (iii) two (2) or more communications facilities owned or operated by government or other public and quasi-public users.

Commission and planning commission refer to the Charlottesville Planning Commission, created by the city in accordance with Code of Virginia § 15.2-2210 and charged with promoting the orderly development of the city and its environs.

Communications facility for purposes of Article IX, section 34-1070, et seq. means any antenna, antenna array or other communications equipment (including any PWSF) used by any commercial, government or other public or quasi-public user(s). Where reference is made to a communications facility, unless otherwise specified or indicated by context, such referenced will be deemed to include the support structure on which the antenna or other communications equipment is mounted, transmission cables, and any associated equipment shelter.

Communications facility, freestanding for purposes of Article IX, section 34-1070, et seq. means any communications facility other than an attached communications facility or a microcell located on an existing building, pole or other existing support structure.

Comprehensive Plan refers to the plan prepared and recommended by the planning commission, and adopted by the city council, in accordance with the requirements of Title 15.2, Chapter 22, Article 3 (§ 15.2-2223 et seq.) of the Virginia Code, to guide and accomplish a coordinated, adjusted and harmonious development of land within the city in a manner which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the city's inhabitants.

Condominium means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.

Consumer service business means a business primarily engaged in the provision of a service in the nature of a personal or household convenience, such as: acupuncturist; beauty salons and barbershops, bicycle sales and service; television and appliance repair and rental; book stores; dressmakers and tailors; dry-cleaning outlets; florists; massage therapists; optical centers; pawnshops; photocopy centers; photography studios; stationery stores/printshops; express mail and mailbox services; salons and day-spas; shoe repair; jewelers; travel agencies, etc. This definition does not include any business offering a service to the public, where such business is separately listed by name within the use matrix for any zoning district.

Contractor or tradesman's shop (HAZMAT) means contracting or trade operations involving millwork with industrial lathe, heavy equipment, automated tools, or dipping or refinishing of furniture, or similar processes in which any hazardous materials or industrial tools or machinery are utilized or generated.

Contractor or tradesman's shop, general means building or service industry contractors, including: carpentry, electrical, masonry, metalworking, cabinetmaking, flooring installation, duct work, plumbing, heating, air conditioning, electrical, framing or similar light work.

Contributing structure, as used within Article II, Division 2 (Historical Preservation and Architectural Design Control Overlay Districts) and Division 5 (Historic Conservation Overlay Districts), and when referring to a building or structure located within a Major Design Control District identified within section 34-272 or within a Conservation District identified within section 34-337 thereof, means a building or structure that, by location, design, setting, materials, workmanship, feeling or association adds to the district's sense of time and place and historical development.

Convent means an association or community of recluses devoted to a religious life under a superior; a body of monks, friars, or nuns, constituting one (1) residential community. Includes also "monastery."

Crematory means a furnace for cremating human remains, or a building, or portion thereof, containing such a furnace. Also commonly known as a crematorium. Where permitted as a stand-alone facility, the term shall also be construed to include a facility for the cremation of pet remains.

Criminal justice facility means a residential facility operated by the Department of Criminal Justice Services (DCJS), or a contractor of DCJS, or by a local criminal justice agency. The term includes juvenile detention facilities, adult jails and correctional facilities, halfway houses, and similar residential accommodations for delinquent juveniles or adult offenders.

Datacenter also commonly referred to as a hosting site, hosting center or application service provider (ASP), this is a specialized computer service business that houses electronic web sites and provides data-serving and other services for compensation. This type of facility may contain a network operations center (NOC), a restricted access area containing automated systems that constantly monitor server activity, Web traffic, and network performance for irregularities.

Daycare facility means a facility where, during the absence of a parent or guardian, a person or organization provides supervision and care to a child under the age of thirteen (13) for less than a twenty-four-hour period, and where such care is offered to (i) two (2) or more children under the age of thirteen (13), in a location that is not the residence of the provider of any of the children in care; or (ii) to thirteen (13) or more children at any location. For purposes of this zoning ordinance, the term includes facilities commonly known as childcare center, day care, daycare center, nurseries, playschools, preschools and nursery schools. The term excludes the following: school extended-day enrichment programs; family day homes; an educational facility (other than preschools and nursery schools) unless such facility is providing day care center outside of regular classes; and care provided by a religious institution or organization, or a facility operated by a religious institution or organization, during short periods of time while the parents or guardians of the children are attending religious services.

Detached, when pertaining to structures, means the absence of a physical connection to a structure by a structural element or feature.

Development means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any commercial or industrial purpose or is to contain three (3) or more residential dwelling units. As the term is used within the city's flood hazard protection district regulations, it shall also mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Dish antennas means a satellite antenna, also known simply as a "dish," used for satellite communication and broadcast reception.

Dormitory means a building, or portion thereof, owned or operated by an educational facility, which provides boarding-house style accommodations exclusively to students, faculty and employees of such institution.

Drive-in window means a facility designed to provide access to commercial goods (including foods and beverages), products and services for customers remaining in their motor vehicles.

Driveway means a form of private vehicular access from a public street, private road or alley to the interior of a lot or parcel of land.

Dry-cleaning establishment means a facility where dry-cleaning of clothing and household textiles for consumers is performed.

Dry-cleaning outlet is a facility where clothing and household items are received from consumers, and returned for pick-up by consumers, but at which no dry-cleaning processes are performed. This term shall exclude businesses falling within the definition of a "laundry."

DUA is an acronym for the phrase "dwelling units per acre," which phrase describes the residential density of development of a particular building, parcel or development.

Duplex means a two-family dwelling or a series of single-family attached dwellings containing two (2) dwelling units.

Dwelling means a building, or portion thereof, serving as a residence for any persons.

Dwelling unit means a building, or any portion thereof, containing a complete set of living accommodations suitable for occupancy by one (1) or more persons, consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants, and having either direct access from the outside of the building or through a common hall to the outside of the building.

Dwelling, multifamily (MFD) means a building, or portion thereof, arranged or designed to contain three (3) or more dwelling units.

Dwelling, single-family attached (SFA) means a building containing a single dwelling unit, where such building is attached or connected to one other similar building by a common party wall, and where each individual dwelling unit is designed and constructed so as to permit its sale as an individual unit.

Dwelling, single-family detached (SFD) means a freestanding building containing a single dwelling unit, i.e., a building that has no attachment or connection by a common party wall to another similar building.

Dwelling, townhouse (TH) refers to any one (1) of a series of single-family attached dwellings, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof. "Series" refers to a row of three (3) or more townhouse dwellings.

Dwelling, two-family (TFD) means a building, or portion thereof, arranged or designed to be occupied by two (2) families, having only two (2) dwelling units.

Easement means a right possessed by the owner of one parcel of land to use the land of another for a special purpose not inconsistent with the general property rights of that owner.

Educational facility means an institution of learning, having a faculty, a student body, and prescribed courses of study.

Educational facility, artistic means an educational facility devoted to the study of the arts, such as music, drama, film, dance, etc.

Educational facility, college and university means an educational facility that is authorized to award diplomas for completion of post-secondary degree programs.

Educational facility, elementary means an educational facility for children attending any of the following grades: kindergarten through eighth grade.

Educational facility, high school means an educational facility authorized to award diplomas for completion of secondary education.

Educational facility, vocational means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

Elderly housing means a multifamily residential housing development for persons sixty-two (62) years of age or older, or for the disabled, that is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia housing Development Authority. The term excludes assisted living facilities and nursing homes.

Electronic gaming café means a business where persons utilize electronic machines to conduct games, contests, lotteries, schemes, or promotional offerings. The machines include, but are not limited to, computers and gaming terminals. Electronic gaming cafés do not include amusement centers, as defined in section 34-1200. The sale of Virginia Lottery tickets does not, by itself, establish an electronic gaming café. All games, contests, lotteries, schemes, or promotional offerings must be lawfully conducted in accordance with Code of Virginia, § 18.2-325.1, as amended.

Elevated building for purposes of Article II, section 34-240, et seq. means a non-basement building which has its lowest elevated floor raised above ground level by means of fill, solid foundation walls, pilings, columns, posts, piers, or shear walls.

Equipment shelter for purposes of Article II, section 34-240, et seq. means an enclosed structure or housing, including cabinets and sheds, located at the base of a communications facility mount, within which is housed equipment for the facility, including such items as batteries, backup power supply, electrical equipment, base transceiver stations, etc.

ERB refers to the Entrance Corridor Review Board created by the city council pursuant to Code of Virginia § 15.2-2306 to administer the city's entrance corridor overlay district regulations.

Exterior architectural appearance means the architectural character, general composition and general arrangement of the exterior of a building structure, including the kind, color and texture of the building material and type and character of all exterior windows, doors, light fixtures, signs and appurtenances.

FAA means the Federal Aviation Administration.

Family for purposes of the city's zoning ordinance, refers to persons residing together as a single housekeeping unit. See "occupancy, residential."

Family day home means a child care program serving one (1) to twelve (12) children under the age of thirteen (13) (exclusive of the provider's own children and any children who reside in the home), where such program is offered in the residence of the provider or the residence of any of the children in care. Any program serving more than twelve (12) children shall be considered a child daycare facility.

Farm sales means the sale of agricultural or horticultural produce or merchandise produced on a farm, conducted by the farmer or members of his family. Sales of items not produced the person engaged in such sales activity shall be limited to companion items intended to be used with the agricultural or horticultural produce or merchandise (such as canning jars, pumpkin carving kits, gift baskets, wreath making supplies, floral arranging supplies, potting soil, pots, pruning shears, gardening gloves, etc., but not including farm machinery and equipment [except hand tools], building materials, furniture or other like items).

Farmers' market means an existing parking area used periodically by two (2) or more farmers only for the sale of agricultural or horticultural produce or merchandise produced on their farms.

FCC means the Federal Communications Commission.

Fill area means a location at which soil or inert materials is placed on a site within the floodplain.

Financial institution means provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings banks, credit unions, lending establishments, and automatic teller machines. See consumer service business.

Flag means non-governmental flags are deemed to be signs and shall be subject to the provisions of this chapter. The official flags of the federal, state, county or municipal governments are not deemed to be signs.

Flood control works for purposes of Article II, section 34-240, et seq. means any man-made construction, such as a dam, levee, groin, or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood areas have been defined as "Zone A."

Flood insurance rate map (FIRM) ("official flood map") means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. Also known as the "official flood map."

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood or flooding for purposes of Article II, section 34-240, et seq. means general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters, and the unusual and rapid accumulation of runoff of surface waters from any source; or (ii) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or force of nature, such as flash flood, or by some similarly unusual event, which results in flooding as defined in (i) above.

Floodplain: See " area of special flood hazard."

Flood-proofing means a combination of structural and/or non-structural additions, changes, or adjustments to properties or structures that are subject to flooding and which will reduce or eliminate flood damages to improved real property, water and sewer facilities, structures, and contents of buildings.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved to carry and discharge the waters of the one hundred-year flood, as designated in the FEMA flood study/map dated February 4, 2005, as amended, without increasing the water surface elevation at any point more than one (1) foot above the base flood elevation and provided that hazardous velocities are not produced.

Floodway fringe means that portion of the floodplain that lies between the floodway and the outer limits of the floodplain, as designated in the flood study/map prepared by FEMA dated February 4, 2005 (as amended).

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area, gross (GFA) means the sum of all the horizontal areas of the several floors of a building, measured from the interior faces of exterior walls. GFA shall include: (i) basements, elevator shafts and stairwells at each story, (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more, (iii) penthouses, (iv) attic space, whether or not a floor has actually been laid, having a structural head room of six (6) feet six (6) inches or more, (v) interior balconies, and (vi) mezzanines. GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and roof top mechanical structures.

Floor area ratio (FAR) is a dimensional measurement determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Frontage means the continuous uninterrupted distance along which a parcel abuts an adjacent road or street.

Functional classification rating means the characterization of a particular highway or street as one (1) of several types, or classes, of roads (such classes indicating the character of the traffic carried by the street, i.e., local or long-distance, and the degree of land-access the street allows), with reference to a rating system established by the Federal Highway Administration (FHWA) and implemented by the Virginia Department of Transportation (VDOT). For urban areas such as the City of Charlottesville, highways and streets will generally fall into one (1) of four (4) classes: urban principal arterial streets, minor arterial streets, collector streets, and local streets. Where a zoning determination turns on whether one (1) street has a higher functional classification rating than another, the street that provides for greater through-travel between major trip generators shall be deemed the one (1) with the higher classification rating (for example, a principal arterial street is a higher functional classification than a local street).

Funeral home means a building used for the preparation of a corpse for burial or the preparation of a corpse for cremation, which may also be used for funeral services.

Garage, accessory means a building designed or used for the storage of automobiles, boats and trailers, owned or used only by occupants of the building to which it is accessory, and in which no business activity is conducted.

Garage, mixed-use means a building for the parking of automobiles, which (i) encloses at least forty-five (45) percent of the parking area, (ii) has ramps which are not visible from the exterior of the structure, and (iii) contains at least one (1) permitted use, other than parking, on the street-level floor of the building or structure.

Garage, parking means a building used or intended to be used for the off-street parking of operable vehicles on a temporary basis, other than an accessory garage.

Gas station means a business where gasoline or diesel fuel is stored, housed and sold for supply to motor vehicles, and may include accessory motor vehicle servicing within the principle building.

GFA: See "floor area, gross."

Golf courses means any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

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

Grade means, with reference to a building or structure: the average level of the ground adjacent to the exterior walls of the building. In a case where walls are parallel to and not more than fifteen (15) feet from a sidewalk, the grade may be measured at the sidewalk.

Greenhouse means see "nursery."

Guest room means A room which is designed or intended for occupancy by one (1) or more persons, but in which no provision is made for cooking. A guest room does not include dormitory rooms located on a college or university campus, or owned or operated by a college or university.

Hardware store means A facility having thirty thousand (30,000) or fewer square feet of gross floor area, primarily used for the retail sale of various basic hardware items, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies and cutlery; if greater than thirty thousand (30,000) square feet, such a facility is a "home improvement center."

Health/sport club means a building or portion of a building designed and equipped for the conduct of sports, exercise, recreational, therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis and other court games, swimming, aerobics, and weightlifting but excluding such uses as: bowling alley, billiard hall, bingo, miniature golf, amusement center and dance hall.

High intensity discharge lamp means a mercury vapor lamp, a metal halide lamp and a sodium lamp (high pressure and low pressure).

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Home improvement center means a retail sales facility having a gross floor area of more than thirty thousand (30,000) square feet, primarily engaged in the retail or trade sale of various hardware and home improvement products.

Home occupation means any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises.

Hospital means any facility licensed by the state commissioner of health (other than a nursing home) in which the primary function is the provision: of diagnosis, of treatment and of medical and nursing services (surgical or non-surgical) for two (2) or more persons, including facilities known as sanatoriums;

sanitariums; and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

Hotel/motel, convention center means a facility designed to accommodate five hundred (500) or more persons and used for conventions, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays and food and beverage preparation and service for on premise consumption. Also commonly known as

Hotel/motel means a building, or portion thereof, or any group of buildings, containing providing guest rooms used, rented or hired out to be occupied for sleeping purposes on a transient basis (i.e., by the day or week). This definition includes facilities commonly known as motor lodges, motor courts, and convention centers. The following are excluded from this definition: bed-and-breakfasts, rooming/boarding houses.

Industrial equipment service and repair means an establishment involved in the repair of heavy equipment, including any vehicle with more than two (2) axles.

Janitorial service means an business primarily engaged in furnishing building cleaning and maintenance services to clients, such as restaurant or laboratory cleaning, window cleaning, floor waxing and office cleaning, and where materials, supplies and service vehicles may be stored.

Kennel means any premises, including, without limitation, animal boarding and grooming facilities, in which or upon which more than five (5) dogs or more than five (5) cats over six (6) months of age are kept for any purpose.

Kiosk means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted, or a freestanding building with one (1) or more open sides from which commercial activities are conducted.

Laboratory, medical means a building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals, and the production, fitting and/or sale of optical or prosthetic appliances.

Laboratory, pharmaceutical means a building or part thereof devoted to the testing, analysis and/or compounding of drugs and chemicals for ethical medicine or surgery, not involving sale directly to the public.

Lamp means the term "lamp" means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land coverage refers to the area of a lot or development site that is occupied by the following: buildable lots, buildings, structures, improved parking, driveways, alleys, sidewalks and streets, and other improvements.

Landscape service means an business engaged in the provision of yard and garden maintenance services to clients, usually consisting of an office and other buildings or structures for storage of inventory, equipment, and vehicles. The term shall not include or allow any dump heap, landfill, or any other form or repository of construction or demolition debris.

Laundromat means a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Laundry/laundries means a facility that launders, washes or otherwise cleans (including, without limitation, dry-cleaning processes) clothing, uniforms, towels, sheets, linens, rugs or other cloth or textile items, for commercial customers.

Library means a public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Loading space means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.

Lot means a parcel of land that is either shown on a recorded subdivision plat or described by metes and bounds or other legal description.

Lot, corner means a lot abutting upon two (2) or more street rights-of-way at their intersection.

Lot, depth of means the mean horizontal distance between the front and rear lot line.

Lot, double frontage means a lot having a frontage on two (2) nonintersecting street rights-of-way as distinguished from a corner lot.

Lot frontage means a portion or portions of a lot abutting street right-of-way.

Lot, interior means a lot with frontage on but one (1) street right-of-way.

Lowest floor means the floor of the lowest enclosed area of a building or structure.

Lumen means the term "lumen" means a standard unit of measurement of luminous flux.

Luminaire means the term "luminaire" means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a light-fixture.

Luminaire, full cutoff means the term "full cutoff luminaire" means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected downward (below the horizontal plane).

Luminaire, outdoor means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Mall means (1) a shaded walkway or promenade for pedestrian travel, and or (2) a shopping center where stores front on both sides of a pedestrian way that may be enclosed or open.

Manufacture or *manufacturing* refers to the transformation of materials into an article or product of substantially different character or use.

Manufactured home means a structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured home park means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent.

Manufacturing, light refers to facilities for the mass manufacture of: rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, and fabrics; for the compounding of cosmetics, toiletries, drugs and pharmaceutical products; and other similar uses.

Marquee for purposes of the city's sign regulations, means a projecting structure over an entrance to a building, such as a theater or motel, and generally designed and constructed to provide protection against the weather.

Mean sea level means the National Geodetic Vertical Datum (NGVD) to which base flood elevations shown on the FIRM are referenced.

Medical center means establishment wherein medical care is provided by more than two (2) doctors on an outpatient basis as distinguished from a hospital.

Microbrewery means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than fifteen thousand (15,000) barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microcell for purposes of Article IX, section 34-1070, et seq. means a facility for wireless communications, consisting of an antenna that is either: (i) not more than four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (ii) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; or, if no more than 2.5 feet in length, then no more than 16 inches in diameter.

Comment [LHS1]: This definition would cover panel antennas 24" x 24", which are 576 sq. in. Is that sufficient?

Mixed use development means a building or project containing residential uses in combination with commercial and/or institutional uses. No use that is or will be merely accessory to, or ancillary to, a residential use shall qualify as a commercial or industrial use, for purposes of this definition.

Mobile food unit means a readily movable wheeled vehicle or a towed vehicle designed and equipped for the preparation, service and/or sale of food.

Movie theater, cineplex means complex structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex.

Museum includes all collections open to the public, of artistic, technical, scientific, historical or archaeological material, including zoos and botanical gardens, but excluding libraries, except in so far as they maintain permanent exhibition rooms

Music hall means any place or business open to the general public on a regular basis where music concerts are provided and/or dancing is permitted, for which an admission fee is charged or for which compensation is in any manner collected, directly or indirectly, by cover charge or otherwise. Foods or beverages may be purchased by or served to patrons on premises incidentally to the music hall's stated primary function as defined herein.

National Geodetic Vertical Datum (NGVD) means is a vertical control used as a reference for establishing varying elevations within the floodplain.

Non-conforming lot means a lawful lot of record existing on the effective date of the zoning regulations applicable to the district in which the lot is located, that does not comply with the minimum applicable size or other lot requirements of that district.

Non-conforming structure means a lawful structure existing on the effective date of the zoning regulations applicable to the district in which the structure is located, that does not comply with the minimum applicable bulk, height, setback, floor area or other dimensional requirements applicable to structures within that zoning district.

Non-conforming use means a lawful principal use of a lot, existing on the effective date of the zoning regulations applicable to the district in which the use is located, or a more restricted use, that does not comply with applicable use regulations of that district.

Nursery means a business engaged in the retail sale of plants and horticultural and gardening supplies materials.

Nursing home means a residential facility, or identifiable component of a residential facility, for which the licensing authority is the state health commissioner/department of health, and in which the primary function is the provision of nursing services and health-related services for the treatment and inpatient care of two (2) or more non-related individuals. Such facilities are also variously known as convalescent homes, skilled nursing facilities, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

Occupancy, residential for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv) within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage; (vi) group homes, residential facilities and assisted

living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.

Office means any building, or portion thereof, in which the primary use is the conduct of a business such as (i) accounting, correspondence, research, editing, administration or analysis; (ii) the activities of a salesman, sales representative or manufacturer's representative, where no product inventory is maintained or delivered to purchasers on-site; and (iii) the activities of professionals such as engineers, architects, land surveyors, artists, lawyers, accountants, real estate brokers, insurance agents and landscape architects. This definition excludes medical offices and employment offices.

Office, employment means any building, or portion thereof, at which day-labor services are solicited or arranged.

Office, medical means any building, or portion thereof, in which the primary use is the practice of dentistry or medicine.

Open space refers to land or water areas left in undisturbed natural condition and unoccupied by any building lots, buildings, structures, streets, driveways, alleys, improved parking, sidewalks, and other improvements.

Open storage yard refers to the outdoor storage of lumber, or of construction materials or equipment. The term "construction materials" does not include any construction or demolition debris or waste materials.

Outside runs or pens when referring to facilities associated with animal boarding/grooming facilities, animal shelters, kennels, or veterinary clinics, shall mean and refer to any outdoor areas and facilities in which animals are exercised, boarded, groomed or otherwise kept or cared for.

Owner means the holder of title in fee simple; and/or any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. For the purposes of this chapter, the owner of premises on which a sign is located is presumed to be the owner of the sign unless acts to the contrary are officially recorded or otherwise brought to the attention of the zoning administrator.

Parking lot means a parking area for automobiles which is not an accessory use to a building or structure on the same lot.

Person means and includes any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Personal wireless service facility (PWSF) means an unstaffed communications facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, transmission cables, an equipment shelter and a support structure to achieve necessary elevation.

Philanthropic institution/agency means and refers to an organization holding legal non-profit status (i.e., 401(c)(3) certification; or state or local tax-exempt status) that has as its purpose (i) the provision of health care or other services to elderly, disabled, indigent or other disadvantaged persons, or (ii) the study of matters of public, political or civic interest (e.g., institutions sometimes referred to as "think tanks," and similar organizations).

Photography and photographic studio means a facility engaged in the retail sales, lease and service of photography equipment and supplies, including limited on-site process or development.

Planned unit development means a form of development characterized by unified site design, intended to allow for a variety of housing types and densities, clustering of buildings, common open space, and/or a mix of building types and land uses, in which project planning and density calculations are performed for the entire development rather than on an individual lot basis.

Portable storage container means a portable, weather-resistant receptacle designed and used for the temporary storage or shipment of materials, household goods, wares or merchandise. The term shall not include containers used for the collection of solid waste by the city.

Premises means a single lot, or an area of multiple, contiguous lots under common ownership, along with any building(s) or structure(s) occupying it.

Principal establishment means the business which occupies the most square footage on a parcel of land as compared to all other businesses situated on the same parcel. No more than one (1) business per parcel may be considered the principal establishment.

Proffer means a written condition offered by a person who has applied for a zoning map amendment that imposes a regulation or requirement that is in addition to the zoning district regulations otherwise applicable to property which is the subject of the application.

Public authority means any agency or body, any official or any representative of local, state or federal government.

Radio and television broadcasting station means an establishment engaged in transmitting oral and visual programs to the public and that consists of a studio, transmitter, and antennas.

Recreation vehicle means a vehicle that is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle is ready for highway use if it is on wheels or a parking system, is attached to a site only by quick-connect type utilities and security services, and has no permanent attached additions.

Research and testing facility means a facility for conducting scientific or engineering tests on materials, parts, and products, not involving sales directly to the public.

Residential treatment facility means a residential facility in which no more than eight (8) persons reside, together with one (1) or more resident counselors or other resident staff person(s), and for which either (i) the Department of Mental Health, Mental Retardation and Substance Abuse Services, or (ii) in the case of a children's residential facility, as defined with Code of Virginia § 63.2-100, the Department of Social Services is the state licensing authority.

Restaurant means any place of business wherein foods or beverages are provided for human consumption. The term restaurant includes, without limitation: lunchrooms, cafeterias, coffee shops, cafes, taverns, delicatessens, hotel dining rooms, dinner theaters, soda fountains, and dining accommodations of public or private clubs. A fast food restaurant is one at which patrons order and receive food orders at a counter or window for consumption either on or off-premises. A full service restaurant is one at which patrons are seated at tables or booths, where food orders are taken at and delivered to such tables/booths by wait staff. This definition excludes: bakeries; bed-and-breakfast facilities; catering businesses (where food is prepared for consumption at another site); places that manufacture packaged or canned foods for distribution to grocery stores or other, similar food retailers for sale to the public; facilities licensed by the Department of Agriculture; snack bars and refreshment stands at public recreation facilities, operated for the convenience of patrons of the facility; concession stands at youth athletic activities, if such stands are promoted or sponsored by either a youth athletic association or a charitable nonprofit organization; or any facility exempt from state licensure requirements pursuant to Code of Virginia § 35.1-25. Entertainment for restaurant patrons which is clearly incidental to the restaurant's primary function as defined herein, such as the playing of a piano or other non-amplified music, is permitted.

Restaurant, all-night means a restaurant that remains open between the hours of 2:00 a.m. and 6:00 a.m. on any day(s).

Rooming house: See boarding house.

School means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Screening means landscaping that physically and visually separates different uses, or that shields uses from adjacent property or uses.

Service, medical refers to work performed by an individual or business entity within the scope of the practice of medicine, dentistry and mental health services, and other health care providers who are certified or licensed by any of the health regulatory boards within the State Department of Health Professions (except the board of funeral directors and embalmers and the board of veterinary medicine).

Service, professional refers to work performed by an individual or business within the scope of the practice of accounting, actuarial services, architecture, engineering, or law.

Setback. See "yard". For purposes of Article IX, section 34-1070, et seq. when referencing the support structure for a communications facility, the term setback shall refer to the required distance from the center of the support structure to the applicable property line of the parcel on which the communications facility is located.

Shelter care means a building, or portion thereof, used for the provision of emergency overnight shelter for homeless, indigent and other disadvantaged persons, and associated services, such as: crisis intervention, counseling, service referral, hotline, and similar social service functions.

Shopping center means a commercial development consisting of two (2) or more retail stores, usually one (1) store deep, that fronts on a major street for a distance of one (1) city block or more.

Shopping mall: See "mall."

Sidewalk cafe means an establishment serving food and/or beverages on public sidewalk space, pursuant to a permit issued under Chapter 28 of the City Code.

Sign means a structure, wall or other object, or portion thereof visible from the public right-of-way, used for the display of any information or message, including without limitation, any device, structure, fixture or placard using graphics, symbols and/or written copy; provided, however, that this definition shall not include works of art or temporary holiday decorations.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

Sign, awning means a sign painted on, printed on or attached flat against the surface of an awning or canopy.

Sign, back lit or halo means a sign consisting of individual letters with opaque faces and returns, usually mounted on a wall surface. A lighting source is mounted on the back of the letters so that it is not directly visible, but illuminates the wall surface behind the opaque letter.

Sign, café means a sign associated with and located within or attached to an outdoor café, for the purposes of café identification, display of menus, or other information related to the operation of the café.

Sign, canopy means a sign attached to or displayed on a canopy.

Sign, changeable copy means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Sign, channel letters means a sign consisting of individual letters usually mounted on a wall surface. The letters may have translucent faces that are internally illuminated, in which case no light shall spill outward from the top, bottom, sides or back.

Sign, development means a sign that only contains the name of a subdivision, a residential building or development

Sign face means the area or display surface used for the message, not including the support structure.

Sign, freestanding means a sign which is supported by structures or supports in or upon the ground and independent of any support from any building.

Sign, internally illuminated means a sign with a translucent face, and a concealed light source that shall not spill outward except from the face.

Sign, marquee means a sign attached to a marquee, including a reader-board.

Sign, monument means a sign built on-grade in which the sign area and the structure are an integral part of one another. *Sign, nonconforming* means any sign or sign structure which was existing on the effective date of the most recent ordinance amending this section, which has a valid permit issued in accordance with previous regulations, but which would not now be permitted.

Sign, off-premises means a sign identifying and/or advertising an establishment, merchandise, service activity or entertainment which is not located, sold, produced, manufactured or furnished at the developed site on which said sign is located.

Sign, pole mounted means a sign which is mounted on one (1) freestanding pole or similar support.

Sign, political campaign means a temporary sign relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election called by a duly constituted public body.

Sign, portable means any sign other than a temporary sign, banner or sandwich board sign not permanently affixed to a building, structure or ground. This category includes, but is not limited to, signs attached to or placed on vehicles displayed on a vehicle which is used primarily for the purpose of such display, and similar devices used to attract attention. This shall not include identification signs on vehicles identifying the owner of the vehicle, or bumper stickers.

Sign, projecting means any sign, other than a wall sign, awning or marquee sign, which is affixed to a building and is supported only by the wall on which it is mounted.

Sign, readerboard means a sign structure on which copy, graphics, etc. can be changed manually in the field or automatically through mechanical or electrical means, including but not limited to an electronic display.

Sign, roof means a sign erected or constructed, in whole or part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof (i.e., eave line) for any building with a pitched, gambrel, gable, hip or mansard roof.

Sign, sandwich board, means an A-frame sign with two (2) faces that is periodically placed directly in front of the place of business that it advertises, and must be removed during non-business hours.

Sign, temporary means a sign designed or intended to be displayed for a specified period of time.

Sign, wall means a sign attached to a wall, or painted on or against a flat vertical surface of a building in such a manner that the wall becomes the supporting structure for, or forms the background structure of, the sign.

Sign, window means all signs permanently or temporarily affixed to the interior or exterior of a window or door.

Single room occupancy (SRO) facility means a residential building or buildings which contain multiple single room dwelling units. Each unit is for occupancy by no more than two (2) individuals and must meet the building code's minimum floor area standards and have a maximum square footage of four hundred fifty (450) square feet. The unit must contain food preparation and sanitary facilities. The facility must provide counseling and training for social, behavioral, and job seeking/training skills for residents.

Skateboard park means a building, structure, or open area containing or developed with slopes, hills, passageways, and other challenges where people using skateboards may practice the sport for a fee; rental or sale of skateboards and related equipment may be included.

Stadium/arena: See "arena/stadium."

Story means That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it; and, if there is no floor above it, the space between the floor and the ceiling next above it.

Street means a public or private thoroughfare which affords principal means of access to abutting property.

Streetwall means the facade of a building fronting along a street.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, etc. For the purpose of determination of setback, signs shall be excluded as structures.

Subdivision means the division or redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Substantial damage means for purposes of Article II, section 34-240, et seq. damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure. The fair market value of the building refers to (i) the appraised value of the initial repair or improvement, or (ii) in the cause of damage, the assessed value of the building prior to the damage occurring.

Substantial improvement means for purposes of Article II, section 34-240, et seq. means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (i) any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home parks means a manufacture home park in which the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equal or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Support structure means for purposes of Article IX, section 34-1070, et seq. means a structure (other than an attachment structure) designed and constructed specifically to support a communications facility, and may include alternative towers, monopole towers, self-supporting or lattice towers, and other similar structures.

Technology-based business refers to a business such as computer component assembly; computer software development/testing; financial service company; graphic design firm; research laboratory or other research facility, and similar businesses, where: (i) the use has no more than a minimal adverse environmental impact, including noise, odor, light, glare, traffic or vibration, when measured at the nearest property line; and (ii) all operations, including storage, are house completely within an enclosed building.

Temporary family health care structure means a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) is no more than three hundred (300) gross square feet in area, (iv) complies with the applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code, as amended, and (v) is not placed on a permanent foundation.

Theater means a building, or portion thereof, used for dramatic, operatic, motion picture, or other performances.

Tower, alternative means for purposes of Article IX, section 34-1070, et seq. means a support structure that camouflages or conceals the presence of the antenna array, equipment shelter and other apparatus for a PWSF or other communications facility, to an extent that the communications facility is either invisible or otherwise made an integrated part of the feature enclosing it. Examples of an alternative tower structure include, but are not limited to: clock towers, bell towers, church steeples, water towers, and light poles.

Tower, communications refers to a support structure.

Tower, guyed means a monopole or lattice tower support structure that is secured and stabilized by diagonal cables (guy wires) anchored to the ground or other surface.

Tower, lattice means a support structure that is self-supporting with multiple legs and cross-bracing of structural steel.

Tower, monopole means a support structure consisting of a single pole, constructed without any guy wires and ground anchors.

Tower, self-supporting means a support structure that is self-supporting with a single shaft of wood, steel or concrete and antennas or other communications facilities at the top.

Towing service means a business engaged in the moving of motor vehicles, typically consisting of an office area used for administration and dispatch activities and an area for parking and temporary storage of tow-trucks and automobiles that have been moved by such business.

Transit facility means a facility used or intended to be used as an area for the loading, unloading, and interchange of transit passengers. Typical uses include bus terminals, rail stations, and passenger related mass transit facilities.

Tree canopy or *tree cover* means all areas of coverage by plant material exceeding five (5) feet in height, and the extent of planted tree canopy at ten (10) or twenty (20) years maturity, as applicable. Planted tree canopy at maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen and arborists, i.e., in the Manual of Woody Landscape Plants by Michael A. Dirr (4th edition, 1990).

Utilities means all lines and facilities that provide for the transmission, transfer, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunications and telephone cable, and includes facilities for the generation of electricity.

Utility facilities means and refers to the following: sewage treatment plants, sewer pumping stations, water treatment plants, water pumping stations, gas regulator facilities, gas distribution facilities, incinerators and electric power transformer substations, and utility transmission line alignments and towers owned by public service corporations but which are not governed by city franchise arrangements.

Variance means, in the application of the zoning ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure, when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the intended spirit and purpose of the ordinance and would result in substantial justice being done. It shall not include a change in use.

Veterinary hospital means a place where animals are given medical care administered by one (1) or more professionals licensed by the State Board of Veterinary Medicine, and where boarding of animals is limited to short-term care incidental to such hospital care. Also commonly known as a "veterinary clinic."

Visible, when used in reference to a residential dwelling, means that such dwelling is wheelchair-friendly, to the extent that: (i) one (1) exterior entrance is constructed at-grade, or is served by a ramp, and (ii) on the same floor as is served by the wheelchair-accessible entrance, there is at least one (1) bathroom with sufficient space in which a wheelchair may maneuver, i.e., a minimum of thirty (30) inches by forty-eight (48) inches (exclusive of the space over which the door swings) of unobstructed floor area.

Warehouse means a commercial or industrial building or structure used for storage and inventory of goods and materials.

Watercourse means a natural or artificial channel through which water flows.

Welding or machine shop means a commercial or industrial building in which machines, machine parts, or other metal products are fabricated.

Wholesale business means an establishment for the sale and distribution of goods and merchandise to a retailer for resale, as opposed to sale directly to the public.

Wireless communications means any personal wireless services, as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging, as well as unlicensed wireless services and common carrier wireless exchange access services, and similar services that currently exist or that may in the future be developed. The term does not mean the provision of direct-to-home satellite services, as defined in Section 303(v) of the Act.

Working day means and refers to a day that is not a Saturday, Sunday or other day on which Charlottesville City Hall is closed to the public.

Yard refers to the distance between the exterior facade of a building or any projection thereof (other than steps, unenclosed balconies and uncovered unenclosed porches) and an adjacent property line. The term "required yard," where used within this zoning ordinance, refers to the minimum distance required by the regulations of a particular zoning district to be unobstructed by any building, structure, or projection thereof (other than steps), extending the full length of the adjacent property line. Also commonly referred to as "setback," "required setback," and "building setback line."

Yard, front means a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street right-of-way line and the main building or any projection thereof other than steps. On corner lots, the front yard shall be considered as being adjacent to the street on which the lot has its least dimension.

Yard, rear means a yard extending across the rear of a lot between side lot lines and being the minimum horizontal distance between the rear lot lines and the rear of the main building or any projection other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side means a yard between the building and the side line of the lot and extending from the front lot line to the rear yard line and being the minimum horizontal distance between a side line and the side of the main building or any projections thereof other than steps.

Zoning administrator means an employee in the department of neighborhood development services designated by the director of neighborhood development services to administer and enforce the provisions of this chapter.

(9-15-03(3); 6-6-05(2); 11-21-05; 1-17-06(6); 9-5-06; 11-6-06(3); 11-19-07(2); 2-19-08; 4-21-08(2); 3-16-09(2); 3-16-09(3); 4-20-09; 7-20-09(2); 7-20-09(3); 7-19-10; 10-4-10(2); 10-18-10(1); 1-18-11; 11-21-11(3); 5-6-13(2))



**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES
MEMO**

To: City of Charlottesville Planning Commission
From: Amanda Poncy, AICP
CC: Brian Haluska, AICP; Missy Creasy, AICP
Date: May 26, 2015
Re: Bicycle and Pedestrian Master Plan Update Work Session Briefing

Introduction

One of the action items from the 2013 Comprehensive Plan was to update the 2003 Bicycle and Pedestrian Master Plan. In February 2014, the city hired Toole Design Group, a leading planning, engineering, and landscape architecture firm specializing in multi-modal transportation, to update the plan.

The 2015 Bicycle and Pedestrian Master Plan Update is the next phase of making a bicycle, pedestrian and multi-use trail connections in the City. It is a physical and action-oriented plan that builds upon the 2003 Bicycle and Pedestrian Plan and will complement the Streets that Work Plan also taking place this year.

The Master Plan Update focuses on integrating the on-street and off-street networks identified in past planning efforts to create safe, comfortable transportation corridors that appeal to a wide range of users of all abilities. It provides the recommended network improvements for Charlottesville's on-street bicycle and pedestrian corridors, as well as a phasing plan for implementation.

Public Process

The first public workshop was held on June 18, 2014 at City Space. To kick off the public input process, citizens were invited to use an online interactive map to identify barriers to biking and walking, as well as existing and desired routes. Over 200 different users provided comments on the map. In addition, city staff held focus group meetings with safety, health and social service providers; participated in a number of community events at Tonsler, Belmont and Washington Parks throughout the summer; organized a bike tour; and worked with an advisory committee to review and refine network recommendations. In addition, feedback received at the Streets that Work neighborhood and public meetings have been incorporated into the plan. A final open house to review and provide comments on the draft plan was held on May 6, 2015 (4:30-6:30) at City Space. To date, we've heard from over 400 people.

Plan Update Organization

The 2015 Bicycle and Pedestrian Master Plan Update presents a summary of key recommendations designed to increase safety, connectivity and comfort for people of all ages and abilities as they walk and bike around the City. The recommendations were informed by technical analysis, best practices research, community input and local policy guidance. The 2015 Plan Update is organized around recommendations for walking and bicycling in three key areas: facilities and network, programs and policies, and implementation. Comprehensive details on the public engagement process, level of traffic stress analysis, cost estimate methodology and policy review can be found in the Appendices.

The chapters of the 2015 Plan Update include:

Chapter 2: Plan Update Vision and Goals: Chapter 2 sets forth a citywide vision for improved walking and bicycling. This aspirational vision aligns with the City’s 2013 Comprehensive Plan, Americans with Disabilities Act (ADA) Transition Plan, Complete Streets Resolution and HEAL Resolution. The goals of the 2015 Plan Update provide detail on achieving the vision and served as a litmus test during the planning process as recommendations were developed and prioritized.

Chapter 3: Plan Update Development: This chapter provides an overview of the public engagement process and existing conditions analysis. In addition to more traditional public meetings and stakeholder focus groups, an interactive online map facilitated the collection of location-based input regarding key destinations and existing barriers to walking and biking.

Chapter 4: Network and Facility Recommendations: The focal point of the 2015 Plan Update, Chapter 4 contains a bicycle network vision map, a glossary of bicycle and pedestrian facility types, and intersection improvements to improve the walking and biking environment in Charlottesville.

Chapter 5: Policy and Program Recommendations: The Policy and Program Recommendations move beyond the physical environment and support the development of a walking and biking-friendly culture in Charlottesville. The recommendations in this chapter fall into several different categories; five focused on policy changes and five focused on education, encouragement, and evaluation programs.

Chapter 6: Implementation: This chapter presents a prioritized list of the bicycle, pedestrian and trail network recommendations, and discusses funding strategies that will help the City implement the 2015 Plan Update recommendations in a targeted, data-driven and strategic manner.

Chapter 7: Performance Measures: The final chapter contains performance measures that can be used to track the implementation of the Plan Update over time.

Questions for Discussion

Staff intends to ask the following questions during the work session:

1. Are there any general questions/comments about the plan?
2. What are your impressions of the bicycle and pedestrian facility network recommendations? Are you comfortable with the prioritization criteria? Do the prioritized network recommendations make sense?
3. Are there any policy/program recommendations that are missing from this plan?

Supporting Documents

- Draft Bicycle and Pedestrian Master Plan - <http://www.charlottesville.org/bikeped>
- Appendices – <https://www.dropbox.com/sh/epbi519ca47ws4b/AACS4dpmO0YHkvLT4ph-9xk5a?dl=0>
- Project webpage – <http://www.charlottesville.org/Index.aspx?page=1309>