

CLOSED MEETING

CONSENT AGENDA

MINUTES

**October 14, 2014
Regular Meeting**

MINUTES OF CITY COUNCIL MEETING HELD OCTOBER 14, 2014

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, October 14, 2014, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Michael C. Bujakowski, Mayor
 Jasmine E. Gore, Vice Mayor
 Christina J. Luman-Bailey, Councilor
 Roosevelt Edwards, Councilor
 K. Wayne Walton, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

 Mark A. Haley, City Manager
 David C. Fratarcangelo, City Attorney
 Cynthia Y. Ames, City Clerk

ROLL CALL

Mayor Bujakowski opened the meeting at 6:30 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	ABSENT arrived at 6:34 p.m.
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

CLOSED MEETING

Motion was made by Councilor Edwards, seconded by Councilor Shornak and unanimously passed to resolve to go into closed meeting for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body (appointments to City Council Boards and Commissions and City Council appointees performance evaluations); and, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body (Code Enforcement). In accordance with Virginia Code Section 2.2-3711 (A) (1) AND (7).

OPEN MEETING

At 7:30 p.m. Council convened into Open Meeting. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Meeting?" Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

**October 14, 2014
Regular Meeting**

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

REGULAR MEETING

Mayor Bujakowski opened the regular meeting at 7:30 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

PRAYER

Prayer by Charles E. Dane, Assistant City Manager, followed by the Pledge of Allegiance to the Flag of the United States of America.

AMEND AGENDA

Motion was made by Councilor Pelham, seconded by Vice Mayor Gore to resolve to amend the agenda to remove Public Hearing-4 and address the rezoning under Regular Business. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

CONSENT AGENDA

Motion was made by Councilor Shornak, seconded by Vice Mayor Gore to resolve to approve the Consent Agenda. Minutes: 8.12.2014 Regular Meeting; 9.2.2014 Special Meeting; 9.9.2014 Regular Meeting; Pending List; Information for Council Review: none; Personnel Change Report & Financial Report; Public Hearings Announcements; Routine Approval of Work Sessions: October 28, 2014; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations, Resolutions, Presentations: Recreation Commission Certificate of Appreciation to Bobby Pershing; Proclamation -The James House and Yeshua's House Domestic Violence Awareness Month; Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes

**October 14, 2014
Regular Meeting**

Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

Mark Haley, City Manager, introduced the new Recreation and Parks Director, Aaron Reidmiller. Mr. Reidmiller along with Jo Turek, Retired Director of Recreation and Parks, presented a Certificate of Appreciation to Robert “Bobby” Pershing thanking him for his many years of service on the Recreation Commission.

Proclamation of the City of Hopewell

WHEREAS, domestic violence is widespread and affects over a million Americans each year; and

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender and income; and

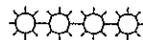
WHEREAS, children that grow up in violent homes are abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs; and

WHEREAS, only a coordinated community effort will put a stop to this crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing and identifying domestic violence and to show support for Yeshua’s House, whose mission is to promote community awareness and prevention of all forms of domestic violence through teaching in the tri-cities area and the campus of Virginia State University and directing individuals to local agencies.

NOW, THEREFORE, the Mayor of the City of Hopewell, Virginia, proclaims the month of October as Domestic Violence Awareness Month and urges the citizens of Hopewell to work together to eliminate domestic violence for our community.



Proclamation of the City of Hopewell

WHEREAS, domestic violence is widespread and affects over a million Americans each year; and

WHEREAS, children who grow up in violent homes are abused and neglected at a rate higher than the national average; and

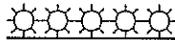
WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will stop this crime; and

**October 14, 2014
Regular Meeting**

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for The James House, the accredited, non-profit crisis center that provides cost-free, confidential support, advocacy, and education for people in Hopewell affected by domestic violence,

NOW, THEREFORE, the Mayor of the City of Hopewell, Virginia, proclaims the month of October as Domestic Violence Awareness Month and urges the citizens of Hopewell to work together to eliminate domestic violence for our community.



PH-1 PUBLIC HEARING-AN ORDINANCE AMENDING AND REENACTING ARTICLE XVIII (DEVELOPMENT STANDARDS), SECTION G (MODIFICATIONS TO DEVELOPMENT STANDARDS OR REQUIREMENTS) OF THE ZONING ORDINANCE OF THE CITY OF HOPEWELL TO PROVIDE FOR MODIFICATIONS TO DEVELOPMENT STANDARDS OR REQUIREMENTS THAT APPLY TO REAL ESTATE DEVELOPMENT WITHIN THE CITY

This was the night advertised as a public hearing to receive citizen comments regarding a proposed Ordinance amending and reenacting Article XVIII (Development Standards), Section G (Modifications to Development Standards or Requirements) of the Zoning Ordinance of the City of Hopewell.

The Public Hearing was opened at 7:53 p.m.

Tevya Griffin, Director of Neighborhood Assistance and Planning, reviewed the proposed ordinance amendment.

There being no speakers, the Public Hearing was closed at 7:54 p.m.

Motion was made by Councilor Luman-Bailey, seconded by Vice Mayor Gore to adopt Ordinance 2014-17 on first reading dispensing with a second reading and becoming effective immediately upon its date of passage, amending and reenacting Article XVIII (Development Standards), Section G (Modifications to Development Standards or Requirements) of the Zoning Ordinance of the City of Hopewell to provide for modifications to development standards or requirements that apply to real estate development within the city. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

ORDINANCE 2014-17

**An Ordinance amending and reenacting Article XVIII, Development Standards,
Section G, Modifications to Development Standards or Requirements, of the
Zoning Ordinance of the City of Hopewell**

**October 14, 2014
Regular Meeting**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article XVIII, Section G of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

**ARTICLE XVIII.
DEVELOPMENT STANDARDS**

The requirements set forth in this Article shall apply to all real estate development within the city. In addition to these standards, additional standards shall apply to residential, office, business, and industrial developments, as well as signs, and access and internal circulation and other aspects of development as provided in this Article and elsewhere in the Zoning Ordinance.

A. GENERAL PROVISIONS – CITYWIDE

1. Building Permit.

Before any building permit for any building, structure, reconstruction, enlargement or alteration shall be issued, the zoning classification for the building site shall be verified, and the proposed building, structure, reconstruction, enlargement or alteration shall comply with all applicable requirements of the zoning district in which it is located and this ordinance.

2. Certificate of Occupancy.

- a. Written application for a Certificate of Occupancy for a building shall be made at the same time as the application for the building permit for such building, and a written request for issuance of the same shall be made to the Director of Development after the completion of the work covered by the building permit. If the proposed use is in conformity with the provisions of this chapter, and of all other applicable laws and ordinances, as certified to the Director of Development by the officers, bodies or agencies responsible for the administration thereof, the Certificate of Occupancy shall be issued within five (5) working days after the request for the issuance of the same has been made. Pending the issuance of such a certificate, a temporary Certificate of Occupancy may be issued for a period not exceeding three (3) months during the completion of any alterations that are required under the provisions of any law or ordinance. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the city relating to the use or occupancy of the land or building or any other matter covered by this ordinance. The City may require the applicant to post a surety on the value associated with uncompleted work when a temporary certificate is issued.
- b. Written application for a Certificate of Occupancy for the use of vacant land or for a change in the use of land or a building, for a change of a nonconforming use, or for the enlargement of a use for the continuation of a use as provided in Section B of this Article shall be made to the Director of Development. If the proposed use is in conformity with the provisions of this ordinance, and of all other applicable laws and ordinances, as certified to the Director of Development by the officers, bodies or agencies responsible for the administration thereof, the Certificate of Occupancy shall be issued within five (5) working days after the application for the same has been made.
- c. A Certificate of Occupancy shall be obtained from the Director of Development for any of the following:
 - i. Change in the use of an existing building.

October 14, 2014
Regular Meeting

- ii. Occupancy and use of vacant land, except for any agricultural use.
 - iii. Change in the use of land, except for any agricultural use.
 - iv. Any change in the use of a nonconforming activity, structure or parcel.
 - v. Enlargement of any use, with respect to the unit of measurement specified in this chapter as the basis for determining the amount of required automobile parking space, whether the same is specified in terms of floor area, dwelling units, seats, or any other element of size of the use.
- d. No occupancy, use or change or enlargement of use of any land or building shall take place until a Certificate of Occupancy therefore has been issued by the Director of Development except as otherwise provided for in this Section A,2.
- e. No Certificate of Occupancy shall be deemed to validate any violation of any provision of any law or ordinance or to waive or stop enforcement thereof.
- f. A Certificate of Occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building and the use thereof or of such land is in full conformity with the provisions of this ordinance and any requirements made pursuant thereto. Upon a determination of any violation of any of such provisions or requirements with respect to any building, or the use thereof or of land, the Certificate of Occupancy for such use shall thereupon become null and void and a new certificate shall be required for any further use of such building or land.
- g. On written request by the owner, the Director of Development shall issue a Certificate of Occupancy for any use of a building or land existing at the time of adoption of this ordinance or at the time of the adoption of any amendments of this ordinance changing the regulations applying to such building or land, certifying, after inspection and investigation, the extent and kind of such use and whether the same (i) conforms to the provisions of this chapter for the district in which it is situated or (ii) is a nonconforming use. The Director of Development may require such proof as may be necessary to enable him to make a determination in the matter, and the furnishings of such proof shall be a condition of his acting on the request.

3. Protection of Visual Resources.

Development shall be designed to protect visual resources identified in the comprehensive plan against encroachment, degradation or destruction to the maximum extent practicable.

4. Utility Lines.

All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. Where transmission lines already traverse a property proposed for subdivision but do not serve such property, the subdivider shall not be required to place such lines underground. This paragraph shall apply to lines serving individual residential, office, commercial and industrial sites as well as to utility lines necessary within projects.

5. Solid Waste Storage Areas.

October 14, 2014
Regular Meeting

- a. With the exception of garbage can and recycling container areas that serve single- or two-family dwellings, solid waste storage areas, including without limitation the storage area itself and all garbage cans, mobile totes, trash compactors, recycling containers, etc., shall be screened from view of adjacent property and public rights-of-way by a masonry or concrete wall that is constructed of comparable materials to and designed to be compatible with the principal building that the solid waste storage area serves, except that solid waste storage areas in manufacturing districts need not be screened from view of any manufacturing district or from any public right-of-way that does not accommodate or is not intended to accommodate through traffic movements.
 - b. All solid waste storage areas shall observe the parking setbacks of the districts in which they are located.
 - c. Solid waste storage areas (excluding garbage can and recycling container areas serving single- or two-family dwellings) located within 1,000 feet of any residential district shall not be serviced between the hours of 9:00 p.m. and 6:00 a.m. Such areas shall be prominently posted with a sign not to exceed six (6) square feet designating the hours in which the solid waste storage area may be serviced.
6. Architectural Treatment.
- a. Prior to the approval of any site plan for a project, the applicant shall submit for approval documents that define the overall architectural theme of the project. The architectural theme is a written and/or graphic description of the planned architectural treatment of all buildings within a project. The theme shall describe how exterior materials, colors, architectural style and building scale shall be employed to establish a consistent architectural treatment for the project. Architectural treatment of buildings, including materials, color and style, shall be consistent throughout the project and compatible with other buildings located within the same project. Consistency and compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
 - b. All junction and accessory boxes except those in manufacturing districts and those not visible outside the project shall be minimized from view of adjacent property and public rights-of-way by landscaping or architectural treatment integrated with the building served. In manufacturing districts, junction and accessory boxes need not be minimized from view of adjacent property within the manufacturing district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.
 - c. Mechanical equipment, whether ground-level or rooftop, shall be screened from view of adjacent property and public rights-of-way and designed to be perceived as an integral part of the building, except as stated herein. In manufacturing districts, mechanical equipment need not be screened from view of adjacent property within the manufacturing district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.
 - d. No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors that are representative of good architectural design but rather, shall preclude the use of inferior

October 14, 2014
Regular Meeting

materials on sides which face adjoining property and thus, might adversely impact existing or future development resulting in the depreciation of property values. No portion of a building constructed of cinder block or corrugated and/or sheet metal that is not completely covered with an acceptable façade shall be visible from any adjoining residential and business districts or any public right-of-way. Further, buildings shall be designed with harmonious proportions and shall not have monotonous facades or large bulky masses. Buildings shall possess architectural variety but shall be compatible with existing structures, especially nearby structures of historic interest. New or remodeled buildings shall be consistent with the overall cohesive character of the area in which they are situated as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or landscaping, all as may be more particularly described in any applicable adopted plans and guidelines.

7. Fencing.

a. Fence Permits.

- (1) A fence permit shall be required before a fence is erected, relocated or repaired, if said repair involves ten percent (10%) or more of the length of the fence. Fence permits may be acquired by the property owner, tenant, or the contractor erecting or repairing the fence with an acknowledgement from the owner. All fences installed subsequent to the enactment of this Section 7 shall comply with the requirements of this ordinance; if a fence does not so comply, it shall be the responsibility of the property owner to bring the fence into compliance.
- (2) There shall be a fee for a fence permit. Each application for such permit shall be accompanied by plans or drawings clearly showing the size, type of materials to be used and the exact location of the proposed fence. Plans and drawings may be made by the applicant unless the Director of Development determines that the safe construction of the fence will require engineering drawings.
- (3) All fences existing on the date of this ordinance, including fences not in compliance, are exempt from this Section 7. However, any subsequent modification or repair of a fence previously complying or exempt as a non-complying pre-existing use, that either expands the area enclosed, or involves more than ten percent (10%) of the length of the fence, shall require a fence permit.

b. Permitted Fences.

- (1) Residential Zoning Districts.
Fences up to seven (7) feet high shall be permitted along all property lines, subject to the necessary setbacks, for property zoned residential or residential-office or used for single family residences, except:
 - i. No fence higher than four (4) feet shall be permitted in any front or corner side yard between the street line and the front or side building line of the subject property and any adjacent property; provided, however, that City Council may grant a Conditional Use Permit for a fence not to exceed seven (7) feet in height in these areas.

October 14, 2014
Regular Meeting

- ii. No fence blocking or impeding the unobstructed view of vehicular traffic shall be permitted within twenty (20) feet of the point of intersection of two public street rights-of-way; if at a later date streets are expanded and existing fences block or impede the unobstructed view of vehicular traffic, such fences shall be deemed to be a violation of the ordinance and shall be removed.

(2) Business Zoning Districts.

- i. Fences up to eight (8) feet in height shall be permitted along all property lines for property zoned business, except that no fence blocking or impeding the unobstructed view of vehicular traffic shall be allowed within twenty (20) feet of the point of intersection of two public street rights-of-way; if at a later date streets are expanded and existing fences block or impede the unobstructed view of vehicular traffic, such fences shall be deemed to be a violation of the ordinance and shall be removed.
- ii. Fences erected in business zoning districts shall be constructed of materials compatible with those used to construct the main structure(s) on the property, unless otherwise permitted under this Ordinance.

(3) Industrial Zoning Districts.

- i. Fences up to ten (10) feet in height shall be permitted along all property lines for property zoned industrial, except that no fence blocking or impeding the unobstructed view of vehicular traffic shall be permitted within twenty (20) feet of the point of intersection of two public street rights-of-way; if at a later date streets are expanded and existing fences block or impede the unobstructed view of vehicular traffic, such fences shall be deemed to be a violation of the ordinance and shall be removed.
- ii. Barbed wire strands not to exceed three (3) strands on top of complying fencing and within the height limits established in subsection 7,b(3),i above shall be allowed in industrial districts. Barbed wire is not permitted in any other district.

(4) Prohibited Fencing and Fencing Materials.

The following fencing and fencing materials are prohibited in all districts:

- i. Razor wire, except at public penal facilities;
- ii. Above-ground electrical fencing; and
- iii. Concertina wire.

8. Retaining Walls.

- a. Retaining walls shall be constructed so that they are compatible and consistent in appearance with the principal structures in the development and/or the view shed in which they are located. Compatibility and consistency shall be accomplished through the use of integrated color block or other material that is similar in appearance to the primary structures or is an earth tone acceptable to the Director of Development.

October 14, 2014
Regular Meeting

- b. Walls over ten (10) feet in height and within fifty (50) feet of, and facing, an exterior property line or public right of way shall employ landscaping along the wall base to soften the visual impact of the wall. Landscaping shall consist of any required setback planting as well as additional evergreen trees to break up large expanses of wall.
 - c. Walls shall comply with the same setback requirements from rights of way and property lines as are required for drives and parking. When landscaping is required along the base of a wall, setbacks shall be increased, if necessary, so that a minimum ten (10) foot planting area is provided that is free from any easements, overhead or underground utilities, or other encumbrances that might prevent the installation of required landscaping.
 - d. The Director of Development may waive any requirements of subsection 8,a through c above, at the time of site plan review if it is determined that the visibility or impact of a wall is adequately minimized due to its location, orientation or other conditions in the vicinity of the wall.
 - e. Retaining walls four (4) feet tall and higher shall incorporate permanent fencing or railing on the upper side of the wall, and if visible from outside the property lines, such fencing or railing shall be decorative in design. Fencing or railing shall be a minimum height of forty-eight (48) inches. If vehicle parking areas or drives exist on the upper side of the wall without sufficient physical impediment to a vehicle reaching the wall, at least one of the following measures shall be incorporated between the fence and the vehicle area: vehicle guardrails, earth berms at least three (3) feet high above grade on the approach side, or concrete filled steel bollards spaced four and one-half (4.5) feet on center. The fencing or railing shall meet the minimum standards for lateral impact loading, height and separation of vertical members.
 - f. Retaining walls greater than four (4) feet in height may require a building permit, as required by the City Engineer.
9. Portable Storage Units.

Portable storage units shall be permitted on residential lots, subject to the following requirements.

- a. The total area encompassed by portable storage units on any single lot shall not exceed 170 square feet.
- b. Portable storage units shall only be located in the side or rear yard. Placement of the unit shall meet the required setbacks for buildings in the zoning district in which it is placed. Portable storage units shall be located no further than fifty (50) feet from the dwelling unit and shall be no closer than five (5) feet to the dwelling, as measured from the nearest point of the portable storage unit to the dwelling.
- c. A portable storage unit shall be located on a lot for a maximum of 60 days, consecutive or not, including redelivery, within a 180-day period.
- d. In the case of a portable storage unit located on the lot for the purpose of storing construction materials, equipment and household goods during the remodeling, alteration or expansion of a residential dwelling or accessory structure, the portable storage unit may be permitted on the property for up to 180 days.

October 14, 2014
Regular Meeting

- e. No portable storage unit shall be used to store solid waste, business inventory, or commercial goods. No property other than property normally located on the lot on which the portable storage unit is located shall be stored within the portable storage unit.

10. Sight Distance Triangle.

- a. No parking spaces will be permitted on corner lots within the sight distance triangles, as defined in subsection b.
- b. Sight triangle (vision triangle or sight distance triangle) means the triangular area formed by a diagonal line connecting two (2) points located on intersecting street right-of-way lines (or a right-of-way line and the curb or edge of a driveway). The sight triangle may consist of one or two (2) different configurations. Intersections of streets may consist of a combination of the various geometric designs given below:
 - i. At intersections with streets having speed limits that are greater than or equal to forty (40) miles per hour (mph), a minimum sight triangle fifteen (15) feet by sixty (60) feet is required with the longer dimension parallel to any street with a speed limit that is greater than or equal to forty (40) mph.
 - ii. At intersections with streets having a speed limit that is less than or equal to thirty-five (35) mph, a minimum sight triangle of fifteen (15) feet by forty-five (45) feet is required with the longer dimension parallel to any street with a speed limit that is equal to or less than thirty-five (35) mph.
- c. Visual Obstruction.
 - i. On a corner lot in any district which normally requires a building line setback of twenty (20) feet or more, no obstructions shall be permitted that exceed a height of two and one-half (2 1/2) feet above the centerline grades of the intersecting streets in the sight triangle bounded by the street lines of such corner lots, and a line joining points along said street lines twenty five (25) feet from the point of intersection.
 - ii. No fence, shrub, barrier, wall or other obstruction shall be permitted within twenty (20) feet of any intersection of any street or alley which is used by the general public in any district, if the Director of Development determines it to be a visual or safety hazard to motorists, pedestrians or the general public.

11. Yard Encroachments.

- a. No yard or other space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or other open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space on any other lot.
- b. Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in this ordinance.
- c. Unenclosed porches or terraces not over three (3) feet above the ground, except for railings and roof structure, may extend five (5) feet into a required front yard, ten (10) feet into a required rear yard, and three (3) feet into a required side yard.
- d. An open, unenclosed paved terrace may project into the required front yard for a distance not exceeding ten (10) feet.

October 14, 2014
Regular Meeting

- e. Chimneys, fireplaces or pilasters shall not project over two (2) feet into a required yard.
- f. Open or lattice enclosed fire escapes shall not project over five (5) feet into a required yard.
- g. An unenclosed carport, attached to a dwelling, may extend into any required side yard a distance of not more than five (5) feet but not nearer to any side lot line than a distance of five (5) feet.
- h. Access ramps for the handicapped may encroach into any required front, side or rear yard, provided no alternative location is available, with approval from the Director of Development. Ramps shall be uncovered, extend no higher than the stoop to which they connect, and shall be removed once access for the handicapped is no longer necessary.
- i. Temporary access ramps for the handicapped may encroach into any required front, side or rear yard, provided no alternative location is available, with approval from the Director of Development. Ramps shall remain for no longer than one (1) year from the date the permit is issued. Ramps shall be uncovered and extend no higher than the stoop to which they connect.

12. Accessory Uses and Structures.

- a. In all districts, accessory buildings or structures shall not be located in a front or side yard area, unless specifically provided for elsewhere by the provisions of this ordinance.
- b. Accessory structures shall not project higher than the height of the main structure or eighteen (18) feet from grade, whichever is the lesser, in any residential district; except metal carports shall not exceed fifteen (15) feet in height from grade.
- c. In non-residential districts, no setback from side or rear lot lines shall be required, except the minimum side and rear yard adjoining or adjacent to a residential district shall be five (5) feet.
- d. If a garage is entered from an alley, it shall not be closer than five (5) feet to the alley line in any district.
- e. Detached accessory buildings permitted in rear yards of all residential areas shall not exceed a combined total square footage of fifty (50) percent of the minimum yard area (as determined by multiplying the width of the rear yard times the required depth of the rear yard); provided that for property in the R-3 district, each building site is allowed to have accessory structures totaling up to six hundred (600) square feet; and further provided that the total square footage of detached accessory structures for any building lot of one (1) acre or less in size (including those building sites in the R-3 district) shall not exceed seventy-five (75) percent of the total square footage of the main structure. On building lots over one (1) acre in size, there is no limitation on the amount of square footage allowed for detached accessory structures in relation to the total square footage of the main structure.
- f. No accessory building shall be constructed upon a building site until the construction of the main building has actually been commenced; and no accessory building shall be used unless the main building on a lot is completed and used.
- g. If it is technically unfeasible to locate a TV satellite (dish) antenna in the rear yard, the permit may be issued for the installation in the side yard provided:
 - i. the antenna must be installed at least five (5) feet from the house and five (5) feet from the property line;
 - ii. a signed approval is obtained from the property owners of the adjoining property;

October 14, 2014
Regular Meeting

- iii. a “see through” mesh-type antenna is used;
 - iv. all connecting cables shall be buried; and
 - v. the side yard includes the area between the front line of the building (excluding steps) and the rear line of the building (excluding steps).
- h. On all lots adjacent to, and lots located in a cul-de-sac area, accessory building or structures shall not be located in any rear or side yard area which would be continuous to the required front yard setback area of the adjoining lot.

13. Drainage.

No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any manner, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Factors to be considered in determining substantial change shall include the recommendations of the City of Hopewell Storm Drainage Study, and adopted drainage standards of the Virginia Highway Commission. In his administration of this requirement, the Director of Development shall refer any application submitted to him to the city engineer for a recommendation in the matter.

14. Erection of Building.

Every building hereafter erected in a business and residential zoning districts shall be located on a building site as herein defined, said lot having its principal frontage on a public street of record, except as otherwise permitted in this ordinance for townhouses and planned development.

15. Obstruction of Public Right of Way.

No building, structure, sign, merchandise, or other obstruction shall be located, constructed or encroach on any public right of way.

16. Temporary and Permanent Office Trailers.

a. Definitions:

- (1) Temporary office trailer means an office trailer to be located and used in conjunction with and during the time of a construction project.
- (2) Permanent office trailer means an office trailer other than noted above.

b. Use Regulations:

- (1) Temporary office trailers are allowed in all districts with the approval of the Director of Development during the time beginning on the date of issuance of the building permit and ending 15 days after the date of issuance of the permanent Certificate of Occupancy. Such approval shall be in the form of a permit of six (6) months duration, which may be renewed with sufficient evidence of construction progress.
- (2) Permanent office trailers are allowed only in the M-1 and M-2 districts, except that no permanent office trailer shall be located within six hundred (600) feet of the right of way of LaPrade Avenue, (includes 6th Street from Winston Churchill Drive to N&W Railroad tracks, as renamed by City Council on October 23, 1984) Elm Street, Route 10 and Winston Churchill Drive.

October 14, 2014
Regular Meeting

- c. Except as provided above, no other permanent or temporary office trailers are allowed in the city.

17. Trailers.

- a. The parking or storage of trailers or semi-trailers in a residential or commercial district, except as hereinafter provided is prohibited.
 - (1) A trailer or semi-trailer designed for vacation or camping purposes and a utility or boat trailer may be parked or stored on private property in any district.
 - (2) A trailer or semi-trailer may be located in a commercial district for repairs to the trailer, sale of trailers, etc., in conjunction with an otherwise permitted use. Trailers or semi-trailers so parked shall not be used for housekeeping or sleeping quarters or accessory building purposes. This shall not be interpreted to prohibit commercial trailers from loading and unloading in a residential or commercial district.
 - (3) A trailer or semi-trailer may be located in a commercial or manufacturing district for use as temporary storage or loading, in conjunction with an otherwise permitted use for a period of two (2) to ninety (90) days; provided a fifteen (15) foot fire lane is maintained to any adjacent building and provided a visual obstruction is not created to the general public. A permit must be obtained from the Director of Development. There is no fee for such permit. Use in a commercial zone is limited to one (1) time per year.
- b. The parking or storage of a bus in a residential or commercial district is prohibited, except that a duly licensed and inspected bus may be parked or stored on private property in any district. Busses so parked shall not be used for housekeeping or sleeping quarters or accessory building purposes.
- c. For the purpose of this ordinance, trailer shall mean every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, and semi-trailer shall mean every vehicle or a trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

18. Use and Storage of Recreational Equipment.

- a. No major recreational equipment shall be used for living, sleeping or other occupancy when parked or stored on a residential lot, or any other location not approved for such use.
- b. Manufactured homes, or units that were once manufactured homes, shall not be used as accessory building or uses in any zoning district within the City of Hopewell.

19. Building Setback Lines from Proposed Streets and Highways.

No building or structure shall be erected, constructed, reconstructed, moved, added to, or structurally altered within or adjacent to the right-of-way of any street or highway, where such right-of-way location can be determined by scale or can reasonably be determined by the city engineer from any preliminary or final street or highway plans from time to time developed and approved by the Virginia Department of Transportation, and/or the City of Hopewell, unless such building or structure shall be setback so as to maintain the required setback as called for in each district from the highway rights of way shown on said plans; and when any building setback line or lines shown on said plan or plans and established herein conflict with any setback line or lines previously established by the governing body, the provisions of the building setback lines herein established shall be controlling; provided, however, the Board of Zoning Appeals, after application by a landowner and after public notice and hearing, with

**October 14, 2014
Regular Meeting**

written notice thereto given to the city manager by said board, may modify or waive the foregoing limitations and restrictions if such board be satisfied that application of such limitations and restrictions to a particular property as applied to that property would be unreasonable and would have the effect of completely depriving the landowner of the beneficial use of that property by precluding all practical uses thereof; and provided, further, that the foregoing limitations and restrictions shall not preclude the erection, construction, reconstruction and maintenance of sign structures in accordance with Section ~~B~~ F. of this Article.

20. Outdoor Display of Merchandise.

The display of merchandise for sale by a business shall be limited as follows:

- a. only businesses located in business/commercial zoning districts shall be allowed to display merchandise for sale;
- b. the area that a business can display its merchandise shall be limited to the width of the front of building and shall not extend from the face of the building façade no more than five (5) feet;
- c. in no case shall any merchandise be located within the public right-of-way;
- d. the merchandise displayed shall be clean and in good condition; and
- e. businesses located in the downtown business (B-1) district are exempt from the above and are subject to the "Sidewalk Display Guidelines," approved by the City Administration on August 6, 1999, as amended.

B. LANDSCAPING

1. Purpose and Intent.

A comprehensive landscaping program is essential for the visual enhancement of the city. It is the purpose and intent of the requirements in this Section B to: (i) facilitate the creation of a convenient, attractive and harmonious community; (ii) conserve and protect natural resources; (iii) enhance property values; (iv) preserve the unique character of an area; (v) encourage the appropriate use of land; (vi) decrease stormwater runoff and aid in the prevention of erosion; and (vii) provide transition between neighboring properties. Additionally, these requirements are intended to minimize the adverse effects of noise, glare and wind by the landscaping of parking areas, and to enhance public safety by defining spaces to influence traffic movement.

2. Landscape Plan.

- a. A landscape plan shall be submitted with the site development plan or subdivision plan during the design approval process. It shall promote a total unifying design and concept throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing visual character for the site.
- b. The landscape plan shall be prepared by an architect, engineer, landscape architect, or land surveyor that is licensed by the Commonwealth of Virginia.
 - (1) The landscape plan shall include the following information:
 - i. scale and scale graphic;
 - ii. dimensions and distances;

October 14, 2014
Regular Meeting

- iii. delineation of existing and proposed parking spaces or other vehicle areas, access aisles, and driveways;
 - iv. location, size, and description of all existing and proposed landscaping materials;
 - v. limits of land disturbance;
 - vi. tree protection measures;
 - vii. limits of wetlands, tributary streams and 100-year floodplains (base flood hazard area);
 - viii. all existing and proposed easements including utility and drainage easements;
 - ix. tree cover calculations excluding one-family dwelling lots;
 - x. procedures and schedules for the implementation, installation and maintenance of tree protection measures, which shall provide that the tree protection measures shall be implemented prior to any land disturbing activity;
 - xi. the location of all buffers required by proffered zoning conditions or the Zoning Ordinance; and
 - xii. identification of all zoning proffers relating to buffers, landscaping, screening, mounds, erosion and sediment control and water quality maintenance or protection.
- c. The landscaping measures and tree cover required by this section shall be shown on such plan and shall be completed and/or installed or planted according to the approved plan and specifications prior to the issuance of any permanent certificate of use and occupancy or other final approval. Such approval shall be after inspection and certification by the appropriate official that the provisions of this section and other provisions of this chapter have been met and that the installation and construction of all required landscaping and other required improvements have been accomplished or otherwise guaranteed.
3. Administration.
- a. The Director of Development shall be responsible for the administration, approval and enforcement of tree protection plans, buffer and landscape plans as provided for in this section. The review and approval of such plans shall be completed within thirty (30) calendar days from receipt of the same, unless the applicant requests or consents to an extension beyond such time period.
 - b. Revisions, modifications and/or additions to approved plans shall be submitted, reviewed and approved in the same manner as previously approved plans.
 - c. Appeals from final decisions of the Director of Development shall be to the Board of Zoning Appeals with notification to property owners pursuant to subsection B, 4 of Article XIX of the Zoning Ordinance.
 - d. Any person aggrieved by a final decision of the Board of Zoning Appeals may appeal such decision to the City Council under the procedures of subsection G, 1 of Article XIX of the Zoning Ordinance.

October 14, 2014
Regular Meeting

4. Landscape Standards.

The following standards shall apply to the preservation, installation and permanent retention of all landscaping, screens and buffers required by the provisions of this Section B.

- a. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals; and other materials, such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture.
- b. Trees and other plant materials that are to be planted shall be selected from species suitable for the proposed site.
- c. All trees shall be planted in good condition and shall meet the specifications and standards of the American Association of Nurserymen.
- d. Grass, tree grates, porous pavers, or similar pervious surfaces that extend to twice the initial drip line of the newly planted tree shall be planted or installed. Minimum tree grate size shall be five (5) feet.
- e. The planting and maintenance of all trees and shrubs shall be in accordance with the landscape plan approved under this Section B.
- f. The property owner shall be responsible for maintenance, repair and replacement of landscaping materials, buffering and screening that is required by this ordinance. Replacement landscaping must be in accordance with minimum standards of this Section B.
- g. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. All diseased and/or dead plant materials, except leaves and other normal forest litter shall be promptly removed and replaced during the appropriate planting season and in all cases within a year of removal.
- h. The property owner shall maintain fences, walls and screens, including gates and doors, in good repair.

5. Plant Material Specifications.

- a. Quality. All plant materials shall be living and in a healthy condition. Plant materials used in conformance with the provision of these specifications shall conform to the standards of the most recent addition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.
- b. Minimum size standard. All trees required to meet the provisions of this section shall meet the following minimum size standards:
 - (1) Large and medium deciduous trees: A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet and a minimum caliper of at least three and one-half (3½) inches measured six (6) inches from ground level at the time of planting.
 - (2) Small deciduous trees: A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. At the time of planting, a minimum tree caliper of at least two and one-half (2½) inches and height of six (6) feet, measured six (6) inches from ground elevation after planting, is required.

October 14, 2014
Regular Meeting

- (3) Evergreen trees: A minimum height of six (6) feet at the time of planting, measured from ground elevation after planting.
 - (4) Medium shrubs: Shrubs and hedge forms shall have a minimum height of two (2) feet at the time of planting, measured from ground elevation after planting.
 - c. Tree preservation. Preservation of existing vegetation shall be maximized, wherever practicable, to provide for continuity and improved buffering. Except when otherwise necessary to provide access or when exempted by this section, any tree eight (8) inches or greater in caliper located within the setback from a public right-of-way shall be retained. Tree removal may be approved where site design modification is not feasible. Any healthy existing tree or shrub may be included for credit towards the requirements of this section. If any preserved tree or shrub that has been credited dies within three (3) years of construction, trees or shrubs shall be planted to meet the minimum tree cover canopy density.
6. Installation and Bonding Requirements.
- a. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association and the Virginia Society of Landscape Designers, or the Virginia Chapter of the American Society of Landscape Architects.
 - b. Species of trees shall not be planted if the roots are likely to cause damage to public infrastructure, the branches are subject to a high incidence of breakage, or the fruit is considered a nuisance or high maintenance, as determined by the Director of Development.
 - c. Where landscaping is required, no Certificate of Occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan. When the occupancy of a structure is desired prior to the completion of the required landscaping, a temporary Certificate of Occupancy may be issued only if the owner or developer provides a form of surety as provided for in subsection 6,e hereafter.
 - d. All required landscaping shall be installed and approved by the first planting season following issuance of a temporary Certificate of Occupancy or the surety described above shall be forfeited to the city. This requirement shall not preclude the phasing of landscaping programs for larger development projects, the timing of which shall be approved by the Director of Development. In the event the temporary Certificate of Occupancy expires before the commencement of the first planting season following its issuance, further temporary Certificates of Occupancy may be issued as needed to reach such planting season. In no event shall such temporary Certificates of Occupancy continue to be issued following the end of the first planting season after issuance of the initial temporary Certificate of Occupancy.
 - e. Required landscaping shall be installed only in accordance with the approved site development plan and shall be completed prior to occupancy unless a surety bond or letter of credit (the "Bond") is provided as follows.
 - (1) The Bond for required landscaping shall be in an amount equal to one hundred twenty percent (120%) of the cost of all plants, related materials and installation.
 - (2) The Bond shall be issued by a financial institution licensed and authorized to do business in the Commonwealth of Virginia, and both the financial institution and the form of the Bond shall be acceptable in all ways to the Director of Development.

**October 14, 2014
Regular Meeting**

- (3) During any water emergency declared by City Council in which the use of water is restricted, the Director of Development may approve a delay in the installation of required trees, plants or screening materials. In this event, the property owner shall be required to obtain and maintain a Bond as provided for above. After the water emergency ends, the property owner shall be required to install all trees, plants, screening and related materials within six (6) months.

7. Tree Canopy Requirements.

Except as provided for hereafter, all developments requiring approval of a site plan or subdivision plan shall provide minimum tree cover at twenty (20) years' maturity from the date of planting, as set forth below.

- a. For purposes of this section, "tree canopy" shall include all areas of coverage by existing plant material exceeding five (5) feet in height, and the extent of planted tree canopy at maturity shall be based on the published reference text, manual of woody landscape plants, fifth edition, 1998, by Michael A. Dirr.
- b. The planting or replacement of trees on a development site shall be required to the extent that, at a twenty (20) years, minimum tree canopies will be provided as follows:

	Minimum Tree Canopy Required
B-1, B-2, B-3, B-4, B-5, B-6, I-1, I-2, I-3	10% of entire development site
R-4, R-5	10% of entire development site
R-3	15% of entire development site
R-C, R-1, R-2	20% of entire development site

- c. Existing trees that are to be preserved may be included to meet all or part of the tree canopy requirements.
- d. Existing trees infested with disease or structurally damaged to the extent that they pose a hazard to person or property, or to the health of other trees on site, shall not be included to meet the tree canopy requirements and shall be removed as soon as practicable.
- e. Tree canopy requirements do not replace, or negate full compliance with, the requirements of any other section of the landscaping ordinance. However, if planting of landscaping required by this ordinance meets or exceeds the tree canopy requirement, no further planting of trees or replacement of trees is required by this section.
- f. In areas zoned B-1, central business district, or where the Director of Development determines that crime prevention through environmental design (CPTED) principles apply, the Director of Development, in consultation with the city's urban forester, may allow the off-site planting of up to ninety-nine (99) percent of the required street trees, parking area screening, buffering and foundation plantings. Off-site planting areas shall be within the city limits and in such locations as approved by the Director of Development.

8. Landscaping - Exceptions.

- a. Tree canopy requirements shall not apply to:

**October 14, 2014
Regular Meeting**

- (1) areas in which clearing and grading are required to achieve positive, proper drainage away from residential structures;
 - (2) the reasonable development of dedicated school sites, playing fields, playgrounds other non-forested recreation areas, and other facilities and uses of similar nature; and
 - (3) where such requirements would result in an adverse effect on the existence or health of wetlands.
- b. Landscaping requirements shall be applied uniformly to all similarly situated properties. Modifications to these standards may be granted in writing by the Director of Development if the Director finds any of the following circumstances exist on the proposed development site, or surrounding properties.
- (1) Natural land characteristics such as topography or existing vegetation on the proposed development site would achieve the same intent of this section.
 - (2) Innovative landscaping or architectural design is employed on the development site to achieve an equivalent screening or buffering effect.
 - (3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the development site, and or the location of the improvements on the site.
 - (4) The topography of adjacent and surrounding development sites is such as to render required screening ineffective at maturity.
- c. When permitting deviations from the strict requirements of this section, the Director of Development may impose additional conditions and requirements to accomplish the intent of this section.
9. Parking Area Landscaping.

Parking areas are subject to the following landscaping standards:

- a. All parking rows and parking bays shall be capped with a landscaped island.
- b. Parking areas with less than two hundred (200) parking spaces shall have:
 - (1) one (1) shade type tree for every eight (8) parking spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than fifteen (15) to twenty (20) parking spaces exist between landscape islands; and
 - (2) one (1) medium shrub for every one (1) parking space planted within landscape islands containing required trees.
- c. Parking areas with two hundred (200) or more parking spaces shall have:
 - (1) one (1) shade type tree for every eight (8) parking spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than fifteen (15) to twenty (20) parking spaces exist between landscaped islands;
 - (2) one (1) medium shrub for every one (1) parking space planted within landscape islands containing required trees; and
 - (3) one (1) landscape median six (6) feet in width for every three (3) parking bays. The landscape median shall be required to extend the full length of the parking bay and shall include twenty (20) percent of the required parking area landscaping.

October 14, 2014
Regular Meeting

- d. Wheel stops, curbing, or other barriers shall be provided to prevent damage to required landscaping by vehicular traffic. Protection shall be installed to prevent soil erosion from the landscape area.
- e. Parking areas shall be screened as follows.
 - (1) In all instances where parking areas are adjacent to public or private streets, a screen with a minimum height of three (3) feet at time of installation shall be provided along the entire length of the parking area exclusive of driveways and entrances. The minimum planting width for the screen shall be six (6) feet.
 - (2) For the purposes of this section, any of the following combination of landscaping and berms may be used to fulfill this requirement:
 - i. one (1) large shrub per three (3) feet of street frontage;
 - ii. earthen berm with three (3) small shrubs per three (3) feet of street frontage;
 - iii. earthen berm with one (1) medium shrub and one (1) small shrub per three (3) feet of street frontage; or
 - iv. any combination of a, b or c above.
 - (3) Earthen berms shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.
- f. Notwithstanding any other requirements of this subsection B,9, where the primary use of a parking area is for the sale of motor vehicles, recreational vehicles, trailers, boats, tractors, or mobile homes, the required parking area landscaping and parking area screening may be dispersed in a reasonable manner so as not to interfere with display and maintenance.

10. Street Trees.

- a. In addition to the requirements set out above, in every project requiring a site plan, there shall be planted on or adjacent to the site an average of at least one (1) tree for each thirty (30) feet of public street frontage.
- b. Street trees shall be planted adjacent to the public right-of-way on the site being developed, or with the concurrence of the Director of Development, in the public right-of-way.
- c. The Director of Development may reduce or eliminate the minimum requirement for street trees based on the size, street frontage, existing vegetation, and specific conditions of the development site.

11. Reserved.

12. Reserved.

12. Foundation Plantings.

- a. All sides of multi-family, commercial, or industrial buildings, which front on a public or private street or are visible from an adjacent residential district, shall be landscaped with foundation plantings as follows:
 - (1) one (1) ornamental tree per fifty (50) linear feet of building, and
 - (2) one (1) large shrub per ten (10) linear feet of building, or
 - (3) one (1) medium shrub and one (1) small shrub per ten (10) linear feet of building, or

**October 14, 2014
Regular Meeting**

- (4) three (3) small shrubs per ten (10) linear feet of building, or
- (5) any combination of 2, 3 or 4 above.
- b. Foundation plantings may be placed in collective groupings along the perimeter of the building for which required.
- c. In the event that the Director of Development determines that topography or other landscaping would prevent the required foundation plantings from being visible from a public or private street or an adjacent residential district, the only foundation plantings that shall be required are for the wall of the building on which the main entrance is located.

13. Recommended tree species.

Acceptable trees include, but are not limited to, those identified in the table below as suitable for the use specified therein.

Species Name	Minimum Height/ Caliper	Canopy at 20 years (sq.ft.)	Suitability
<i>Acer rubrum "October Glory",</i> October Glory Red Maple	2 1/2"	314	P,L
<i>Acer palmatum,</i> Japanese Maple	5'	177	L
<i>Acer rubrum columnare,</i> Columnare Red Maple	2 1/2"	314	P,L
<i>Acer saccharum,</i> Sugar Maple*	1 1/2"	314	L
<i>Acer pseudoplatanus,</i> Sycamore Maple*	2 1/2"	314	P
<i>Acer platanoides,</i> Norway Maple	2 1/2"	314	P
<i>Acer saccharum columnare,</i> Columnare Sugar Maple*	1 1/2"	314	L
<i>Amelanchier arborea,</i> Serviceberry*	6'	201	L
<i>Betula nigra,</i> River Birch*	2"	254	L
<i>Carpinus caroliniana,</i> American Hornbeam*	2"	177	L
<i>Celtis occidentalis,</i> Common Hackberry*	2 1/2"	380	P,L
<i>Cercis canadensis,</i> Eastern Redbud*	5'	201	L
<i>Chionanthus virbinicus,</i> White Fringe Tree*	1 1/2"	113	L
<i>Cornus kousa,</i> Korean Dogwood	4'	177	L
<i>Cornus florida rubra,</i> Flowering Dogwood, Pink*	4'	177	L
<i>Cornus florida,</i> Flowering Dogwood, White*	4'	177	L
<i>Cornus mas,</i> Cherry Bark Dogwood	4'	113	L,S
<i>Cotinus coggygria,</i> Smoke Tree	5'	177	L

October 14, 2014
Regular Meeting

<i>Crataegus phaenopydrum</i> , Washington Hawthorn*	4'	113	L,S
<i>Fagus grandifolia</i> , American Beech*	1 1/2"	177	L
<i>Fagus sylvatica cuprea</i> , Copper Beech	4'	177	P
<i>Fraxinus americana</i> , White Ash*	2.5"	254	P,L
<i>Fraxinus lanceolata</i> (Marshall's Seedless), Green Ash Marshall's Seedless*	2 1/2"	177	P,L
<i>Fraxinus lanceolata</i> , Green Ash*	2 1/2"	177	P
<i>Ginkgo biloba</i> , Ginkgo (Male Variety)	1 1/2"	133	L
<i>Gleditsia tricanthos inermis</i> , Sharemaster Thornless Honey Locust	2 1/2"	314	P,L
<i>Ilex opaca</i> , American Holly*	5'	38	L
<i>Juniperus virginiana</i> , Eastern Red Cedar*	4'	38	S
<i>Koelreuteria paniculata</i> , Golden Rain Tree	1 1/2"	177	L
<i>Liriodendron tulipifera</i> , Tulip Poplar*	2 1/2"	254	P,L
<i>Malus floribunda</i> , Japanese Flowering Crab	4'	177	L
<i>Metaequola glyptostrobolies</i> , Dawn Redwood	1 1/2"	177	L
<i>Nyssa sylvatica</i> , Sour Gum*	1 1/2"	177	L
<i>Ostrya virginiana</i> , American Hophornbeam*	1.5"	254	L
<i>Oxydendrum arboreau</i> , Sourwood*	5'	113	L
<i>Picea abies</i> , Norway Spruce	4'	177	S
<i>Picea glavca</i> , White Spruce	4'	113	P
<i>Pinus strobus</i> , White Pine*	4'	177	S
<i>Platanus occidentalis</i> , American Sycamore*	1 1/2"	491	L
<i>Platanus acerfolia</i> , London Plane Tree	2 1/2"	380	P,L
<i>Prunus serrulata kawanzan</i> , Kwansan Cherry	4'	177	L
<i>Prunus serotina</i> , Black Cherry	5'	133	L
<i>Quercus palustris</i> , Pin Oak	2"	254	L
<i>Quercus phellos</i> , Willow Oak*	2 1/2"	177	P,L
<i>Quercus alba</i> , White Oak*	2"	254	L
<i>Quercus rubra</i> , Northern Red Oak	2 1/2"	254	P,L
<i>Quercus accutissim</i> , Saw Tooth Oak	1 1/2"	177	L
<i>Quercus robur fastigiata</i> , Pyramidal English Oak	2 1/2"	79	P,L

**October 14, 2014
Regular Meeting**

<i>Quercus macrocarpa</i> , Bur Oak	2 1/2"	177	P,L
<i>Quercus montana</i> , Chesnut Oak*	1 1/2"	177	L
<i>Quercus coccinea</i> , Scarlet Oak*	2"	254	L
<i>Tilia americana</i> , American Linden*	2"	314	P,L
<i>Tilia cordata</i> , Little Leaf Linden	2 1/2"	177	P,L
<i>Tilia cordata greenspire</i> , Greenspire Linden	2 1/2"	177	P,L
<i>Tsuga canadensis</i> , Canada Hemlock*	4'	177	S
<i>X Cupress ocypari leylandii</i> , Leyland Cypress	2 1/2"	113	S
<i>Zelkov serrata</i> , Japanese Zelkova	1 1/2"	177	L
<i>Zelkov serrata village green</i> , Village Green Zelkova	1 1/2"	177	L

P = Parking Lot and Street Trees

L = General Landscape Trees

S = Screening Trees

* = Use of native species is encouraged

Sizes shown in feet are height; sizes shown in inches are caliper

C. BUFFERING

1. In all instances where a commercial district, industrial district, or any parking area is located adjacent to any residential district, or a multi-family residential district is adjacent to a one or two family residential district, a vegetative evergreen buffer shall be established on the property for which said buffer is required.
2. Where required, the planting area for buffering shall be a minimum of twenty (20) feet in width extending along the entire length of the development area and shall generally be required along the property line unless topographic or other considerations would make it more effective located back from the property line.
3. The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted in rows fifteen (15) feet apart and staggered ten (10) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.
4. Where appropriate, existing vegetation may be used to satisfy this requirement. Existing vegetation may be required to be supplemented with additional evergreen material in order to meet the buffering requirements. The need for additional evergreen material shall be determined during the site development plan review process.

D. EXTERIOR LIGHTING

1. Purpose and Intent.

**October 14, 2014
Regular Meeting**

The purpose of outdoor lighting is to provide a safe, secure, enjoyable, productive nighttime environment for both pedestrians and vehicles, while enhancing lighting efficiency. These regulations are designed to protect the general welfare by allowing exterior lighting to efficiently light areas, controlling the spillover of light onto adjacent properties, and protect the public safety by preventing glare from outdoor luminaries. The following standards are intended to control the direction of light emitted from luminaries, and limit the intensity of light reaching certain adjacent properties.

2. Standards.

- a. Light sources shall not cast excessive light upon adjacent property or upon a public right-of-way. The maintained horizontal illuminance at grade at adjoining streets shall not exceed 0.5 foot candles, and the maintained horizontal illuminance at grade at adjoining residential properties shall not exceed 0.1 foot candles.
- b. Light trespass shall be controlled or reduced through the use of properly designed luminaries suitable for the task; use of internal or external reflectors and visors; optimum location or placement of luminaries and adjustment or proper selection of mounting height of post, pole or building mounted luminaries, and other methods.
- c. Light diffusers and ambient light may be visible from adjacent property if the light defusers shield or diffuse the light source.
- d. Poles supporting lights shall be no taller than twenty (20) feet in a residential district, twenty-five (25) feet in a commercial or office district or a commercial part of a planned development residential district, and thirty feet in any industrial district.
- e. This section shall not apply to the light sources on public utility poles in the public right-of-way or to public street lights, which shall meet roadway lighting standards of IES and VDOT for the appropriate roadway classification.
- f. All exterior lights will be full cutoff luminaries. Exterior lighting shall be designed at or below the following average maintained horizontal illuminance levels for the various uses. Uniformity shall not exceed the ratio listed below, which is a measure of the maximum lighting achieved within the area to the minimum lighting within the area.

Application	Average Fc	Uniformity
Commercial Building Exteriors	20	--
Loading Docks	20	10:1
Malls, Buildings	10	--
Parking Areas, Commercial	5	15:1
Parks & Gardens	0.2	--
Bulletin & Poster Boards	50	--
Auto Dealerships	20	--
Protective Entrances, Storage Areas	5	10:1
Archery, Badminton, Baseball, Softball, Pools, Tennis Courts, Horseshoe Pitching Shuffleboard	10	3:1
Tournament Tennis Courts	30	4:1
Football, Soccer	30	4:1

**October 14, 2014
Regular Meeting**

Playgrounds	5	10:1
Tournament Softball	20	3:1
Residential Security and Yard Lighting	0.5	--
Parking Areas, Residential	2	15:1
Other Uses	As determined by the Director of Development based on like use and compatibility with surrounding area.	

Source: Illumination Engineering Standards

E. OFF-STREET PARKING AND LOADING

Purpose and Intent.

The minimum off-street parking standards below are intended to effectively manage traffic flows and provide for an adequate number of parking spaces for vehicles while creating and maintaining vehicle areas that are safe, attractive, and functional for both pedestrians and motorists. In addition, consistent with the objective to reduce impervious surfaces, these standards are intended to promote improved management of storm water in parking areas by limiting the number of spaces permitted and encouraging acceptable techniques of low impact design in the provision of essential parking areas.

1. Off Street Parking and Loading Required.

- a. Every use or structure instituted, constructed, erected, enlarged, or structurally altered after the adoption of this ordinance shall provide off street parking and loading facilities in accordance with the provisions of this Section E except as otherwise provided for herein.
- b. Such off street parking and loading facilities shall be maintained and continued by the owner or operator of the use as long as the use is continued.
- c. No owner or operator of any use affected by this Section E shall discontinue, change, or dispense with the required parking and loading facilities without establishing alternative vehicular parking and loading facilities which meet the requirements of this Section E. Owners or operators that wish to establish alternative vehicular parking and loading facilities must submit an off street parking and loading plan to the Department of Development in accordance with Site Plan requirements of Article XVI.
- d. No person, firm or corporation shall operate a use without providing off-street parking and loading facilities that meet the requirements of and be in compliance with this Section E. Off street parking and loading facilities shall be approved by the Department of Development during the site plan process before a Certificate of Occupancy is issued.
- e. When a permitted use is nonconforming as to required parking, and the square footage of the said use is enlarged, additional parking shall be required only to the extent made necessary by the enlargement of the permitted use.
- f. No enlargement of a building, structure or use shall be made in such a way as to reduce the number of existing parking or loading spaces below the minimum number required unless provisions are made elsewhere, as permitted by this ordinance, to replace any required spaces which may have been removed. Additional parking or loading spaces shall be provided to accommodate any additional demand created by such enlargement.
- g. Off-street parking shall not be required for uses located in the Downtown Central Business

October 14, 2014
Regular Meeting

District to the extent provided for in Article IX of this ordinance.

- h. Single-family residential dwellings shall comply with driveway layout and construction standards, as determined by the City Engineer.
2. General Provisions.
- a. Off-street parking facilities required hereunder shall be located on the same lot or parcel of land that they are intended to serve; provided, however, that when the size or shape of land, or a nonconforming building or structure presently existing on the parcel of land, prevents the establishment of such facilities on the same lot or parcel, such facilities may be established off-site under the following conditions.
 - (i) Such parking shall be on a properly zoned lot or parcel within three hundred (300) feet of the premises they are to serve.
 - (ii) Before such parking facilities are approved, a written agreement assuring their retention and availability for such purposes shall be executed by the parties concerned, and approved as to form by the City Attorney. The agreement shall be recorded with the Office of the Clerk of the Circuit Court of the City of Hopewell providing that any shared parking required and permitted will not be alienated from the use for which it is required unless other arrangements acceptable to the Director of Development and the City Attorney are made to provide the required parking. The agreement also shall be filed with the Director of Development.
 - (iii) No commercial or industrial repair work of any kind shall be conducted in shared parking areas.
 - (iv) No sign of any kind, other than designating ownership, entrances, exits and conditions of use, shall be erected on shared parking areas.
 - (v) The shared parking area shall be subject to all requirements of this ordinance concerning surfacing, lighting, buffering, drainage, landscaping, and screening.
 - b. Nothing herein shall be construed to prevent provisions for the joint use of off street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that the total number of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this Section E. However, before such spaces are approved for use, a written agreement assuring their retention and availability for such purposes shall be executed by the parties concerned and approved as to form by the City Attorney. The agreement shall be recorded with the Office of the Clerk of the Circuit Court of the City of Hopewell, providing that any shared parking required and permitted will not be alienated from the use for which it is required unless other arrangements acceptable to the Director of Development and the City Attorney are made to provide the required parking. The agreement also shall be filed with the Director of Development. If the combined use of the same parking spaces by two (2) or more principal uses involves off-site parking spaces, then the provisions of Section 2, a above shall also apply.
 - c. In calculating the number of required parking spaces, the following rules shall govern:
 - (i) Parking and loading requirements shall be determined by floor area of the building, structure, or total square footage devoted to the use, and loading requirements per seat or seating space shall be determined by the number of fixed seats, except as otherwise required. Floor area shall mean the gross floor area of the specific use.

October 14, 2014
Regular Meeting

- (ii) When the units of measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) additional parking space, except as otherwise expressly required in this ordinance.
 - (iii) The parking space requirement for a use not expressly mentioned herein shall be the same as required for a use of similar nature as determined by the Director of Development or his designee.
 - (iv) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - (v) Off-street parking facilities supplied to meet the needs of one use shall not be considered as meeting the off-street parking needs of any other use, except as otherwise authorized herein.
- d. Parking requirements may be waived or modified under the following circumstances.
- (i) When the required number of parking spaces is increased by less than twenty percent (20%) due to a change in use or occupancy, parking facilities shall be provided for the increase, but not for any lawfully existing, non-conforming deficiency in such facilities. Parking increases shall be approved by the Director of Development.
 - (ii) When the required number of parking spaces is increased by more than twenty percent (20%) due to a change in use or occupancy, (including in the aggregate all increases from the date of adoption of this ordinance) parking facilities in conformity with the requirements of this ordinance shall be provided on premises for the entire building, structure or use. The Director of Development shall have the authority to adjust off street parking requirements for additions to existing structures, subject to the physical ability to develop such off street parking facilities.
 - (iii) Due to the complexities of any given development, the strict application of the number of parking spaces set forth in the table of parking requirements may result in a development either with inadequate parking spaces or parking spaces in excess of the number reasonably needed. In such cases, the Director of Development or his designee may authorize a modification of the parking space requirements, if he finds that, in the particular case, the peculiar nature of the use, the exceptional shape or size of the property, or any other exceptional situation or condition would justify such modification. Any such modifications shall be accompanied by written findings consistent with the procedures and criteria set forth below:
 - (a) The Director of Development shall require a Parking Demand and Utilization Study to be submitted by the applicant, documenting the justification for an alternative number of parking spaces. The study shall be based upon recognized national studies and resources, such as, but not limited to, The Parking Generation Manual prepared by the Institute of Transportation Engineers.
 - (b) The study shall take into consideration potential pedestrian traffic, mass transit, characteristics of the occupants or employees, characteristics of uses for sharing of parking, and other pertinent variables related to the actual demand for parking spaces.

**October 14, 2014
Regular Meeting**

- (c) The Director of Development, based upon this study and other relevant information, may reduce the number of parking spaces, permit additional spaces, or allow for shared parking under terms and conditions deemed appropriate by the Director of Development.
- (d) The Director of Development's discretion and authority under this subsection d (iii) shall apply only to the number of spaces required for off-street parking and shall not apply to any other requirement for parking areas.

3. General Design Requirements.

- a. Ingress and egress to the property, and traffic lanes, parking spaces and loading and service areas on the premises shall form a convenient and well-organized system appropriate to the uses in the building.
- b. Entrances and exits shall be so arranged as to minimize conflicts with traffic on public streets and to reduce traffic noises on portions of the property where there may be adverse effects on residential uses on the property or on any uses on adjacent property.
- c. Driveways, parking, loading, and service areas shall be located, designed, constructed, maintained and operated so as to minimize the impact of adverse visual effects and noise on other portions of the property and on surrounding property, particularly residential property. Where necessary to accomplish such minimal impacts, fences, walls and/or vegetative screening shall be provided and maintained. All driveways for single-family dwellings shall comply with the design layout and construction standards, as determined by the City Engineer.
- d. Parking areas shall be designed so that vehicles may exit such areas easily without backing onto a public street and without resorting to extraordinary or unsafe movements. This requirement does not apply to parking areas consisting of driveways along a local street that serve single-family detached dwelling units.
- e. Access shall be provided and designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- f. Every parking area shall be designed to accommodate vehicle overhang by providing a four (4) foot spacing between the parking spaces and any adjacent property, wall, sidewalk, vegetation other than ground cover, or any other obstruction.
- g. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- h. Any lights used to illuminate said parking areas shall be arranged and hooded so as to confine all direct light rays entirely within the boundary lines of the parking area. Lighting of parking areas shall comply with the lighting requirements and standards contained in Section D of this Article XVIII.

**October 14, 2014
Regular Meeting**

5. Parking Space Dimensions.

Parking stall and aisle dimensions shall comply with the following standards.

- a. Off-street parking areas shall be surfaced with permanent pavement and striped as required herein.
- b. Parking spaces and driveways shall be arranged to require ingress and egress from the lot to a street by forward motion of the vehicle.
- c. Off-street parking spaces shall have a minimum stall width of nine (9) feet and a minimum stall length of eighteen (18) feet unless otherwise permitted by this Ordinance. Minimum aisle width for parking areas shall be in accordance with the following requirements.

Parking Angle Aisle Width (Degrees)	Minimum One-Way Aisle Width (Feet)	Minimum Two-Way Aisle Width (Feet)
0-44	12	24
45-59	14	24
60-74	18	24
75-90	24	24

- d. Except where a wall is required, a minimum six (6) inch high vertical concrete curb shall be constructed so that no part of a vehicle extends beyond the property line or into pedestrian access areas and sidewalks.

6. Parking Area Surfaces.

- a. Surfacing of Parking Area: Off street parking areas for five (5) or more cars, or loading or service areas, shall be graded and surfaced with a stable material, that will not track onto pavement, such as asphalt, concrete or an acceptable alternate that will provide equivalent protection against potholes, erosion, and dust. Construction shall be to recognized and adopted standards and engineering guidelines as determined by the Director of Public Works and City Engineer. This requirement shall also apply to interior travel lanes, and lanes for drive-in windows and driveways.
- b. Parking areas that are not provided with the type of surface specified in subsection (a) of this Section shall be graded and surfaced with crushed stone, gravel, crushed shell or other suitable material to provide a surface that is stable, and will help to reduce dust and erosion, and will reduce the impervious character of the surface. The perimeter of such parking areas shall be defined by bricks, stones, or other similar devices as approved by the Director of Development and City Engineer.
- c. Parking areas and spaces in areas surfaced in accordance with subsection (a) of this section shall be appropriately delineated with painted lines or plastic striping or other safety markings which shall provide a permanent delineation between spaces.
- d. Parking areas shall be properly maintained in all respects. Parking area surfaces shall be kept in good repair and condition allowing the unimpeded movement of vehicles, and parking space lines or markings shall be kept clearly visible and distinct.
- e. In heavy vehicular use areas (e.g. maintenance, garbage collection, deliveries, etc.), reinforced surfaces shall be used in the vehicle movement areas to prevent surface or structural failure, damage of parking, and movement areas.

**October 14, 2014
Regular Meeting**

7. Loading and Unloading Areas.

Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from a site, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. The loading and unloading area shall be of sufficient size to accommodate the numbers and types of vehicles that will use the area, given the nature of the use.

- a. Each loading area intended for a semi-tractor trailer shall have a minimum dimension of twelve (12) feet by fifty-five (55) feet and overhead clearance of fourteen (14) feet from the driveway or street grade. The following table indicates the number of loading and unloading spaces required by the floor area of the building. The Director of Development may modify these requirements under conditions deemed appropriate by the Director of Development.

Floor area of building (in square feet)	Number of Spaces
1,000 – 20,000	1
20,000-49,999	2
50,000-99,999	3
100,000 or more *	4

*Plus one (1) loading space for each additional seventy-two thousand (72,000) square feet of floor area or the fraction thereof.

- b. Loading and unloading areas shall be located and designed so that the vehicles intended to use such areas can maneuver safely and conveniently to and from public rights-of-way, and complete the loading and unloading operations without obstructing or interfering with any public rights-of-way, parking space, parking lot aisle, drive-through lane, or pedestrian access.
- c. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking be used for loading and unloading facilities.
- d. The floor area of a building (in square feet) shall be used to calculate the number of spaces required to satisfy the area requirements for loading and unloading facilities for that building as provided for in subsection 7,a above.
- e. No area allocated to loading and unloading facilities shall be located closer than fifty (50) feet to any lot in a residential district unless wholly contained within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than ten (10) feet in height.
- f. Loading and unloading facilities shall be located at the side or rear of the primary structure and screened from view from all public rights-of-way.
8. Parking Facilities for the Physically Handicapped.
- a. Parking spaces for the physically handicapped shall be located within parking areas as closely as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to

**October 14, 2014
Regular Meeting**

reach the ramps and other facilities. The spaces shall be situated in those areas of the vehicle parking area located nearest to each primary building entrance.

- b. Each parking space for the physically handicapped shall be at least eighteen and one half (18.5) feet in length and sixteen (16) feet in width, which width includes a loading and unloading area eight (8) feet in width for single spaces and four (4) feet in width for contiguous spaces. Such spaces shall be arranged and dispersed throughout the vehicle parking area so as to provide convenient access to all major entrances of the proposed business or businesses.
- c. The following number of parking spaces shall be reserved for the physically handicapped based upon the total number of spaces provided in any parking area.

Total parking spaces required	Required Minimum Number
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

9. **Stacking Spaces and Drive-through Facilities.**

Stacking spaces shall be provided for any use having a drive-through facility. The following general standards shall apply to all stacking spaces and drive-through facilities.

- a. **Location.** Drive-through facilities shall not utilize required parking spaces to meet stacking requirements. Stacking spaces and lanes for drive-through stations shall not impede on and off site traffic movements, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- b. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- c. Approach lanes for drive-through facilities shall have the following minimum widths.
 - i. One lane: twelve (12) feet.
 - ii. Two or more lanes: ten (10) feet per lane.
- d. All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.
- e. Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
- f. Each stacking space shall be a minimum of ten (10) feet by twenty (20) feet.

October 14, 2014
Regular Meeting

- g. Stacking spaces shall be provided in the following minimum amounts.
 - i. Financial institutions with drive-through windows: Four (4) stacking spaces for the first drive-through window and two (2) stacking spaces for each additional window.
 - ii. Car wash: Four (4) stacking spaces per bay/stall for self-service establishments, and five (5) stacking spaces per bay/stall for an automated establishment.
 - iii. Drive-in or fast food restaurant: Six (6) stacking spaces for the first drive-through window, plus two (2) additional spaces for each additional window.
 - i. All other uses shall provide three (3) stacking spaces for each window.
10. Drop Off and Pick Up Areas.
- Uses that typically have regular drop-off and pick-up activities, including but not limited to, day care facilities, adult care facilities, hospitals, clinics, medical facilities, schools, and other uses as determined by the Director of Development shall provide suitable site design and facilities for such activity. The following factors shall be considered in the approval of such designs.
- a. The drop-off and pick-up area shall be connected to the main building by a sidewalk.
 - b. Driveways, entrances and exits shall be designed to maximize pedestrian safety.
11. Large Shopping Centers, Superstores and Big Box Retail.
- Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. One purpose of this subsection is to ensure that parking areas provide safe, convenient, and efficient access and are distributed around large buildings in a manner that shortens the distance to other buildings and public sidewalks and reduces the overall scale of the paved surface. The following standards for public sidewalks and internal pedestrian circulation systems that provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds shall apply to these developments.
- a. Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public street.
 - b. Continuous internal pedestrian walkways, not less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to, transit stops, street crossings, and building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of its their length.
 - c. Sidewalks, not less than six (6) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

**October 14, 2014
Regular Meeting**

- d. Internal pedestrian walkways provided in conformance with part b above shall provide weather protection features such as awnings or arcades within 15 feet of all customer entrances.
- e. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

12. Off-street Parking Requirements.

USE TYPE	MINIMUM AND MAXIMUM NUMBER OF SPACES	
	MIN. VEHICLE SPACES	MAX. VEHICLE SPACES
RESIDENTIAL USES		
Single-family dwellings, manufactured homes	2 per dwelling unit	N/A
Two family detached (duplex)	2 per dwelling unit	N/A
Townhouses, Planned Unit Development	2 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking	N/A
Multi-family dwellings		
Efficiency with no bedroom	1 for each dwelling unit	N/A
One bedroom unit	1 for each dwelling unit	2 for each dwelling unit
Two bedroom	1.5 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking	
Three or more bedroom unit	1.5 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking	2.0 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
Group Quarters		
Boarding, lodging or room houses	1 for each residential unit, plus 2 spaces for employees	N/A
Convalescent, nursing or rest homes, sanitariums	1 for each 6 beds	N/A
Dormitory, fraternity or sorority houses	1 for each 2 beds	N/A

**October 14, 2014
Regular Meeting**

Transient Lodging		
Hotel and motel	0.8 per room plus 1 per 800 square feet of public meeting area and restaurant space	1 for each guest room, 1 per 400 square feet of public meeting space and restaurant space
Tourist Home	1 for each guest room, plus 2 owner's portion	
EDUCATIONAL USES		
Kindergarten, day care center, nursery	1 for each 275 square feet of gross floor area, plus 2 for employees	1 for each 175 square feet of gross floor area, plus 2 for employees
Elementary, intermediate, or junior high schools, public	1 per classroom	2 per classroom
High school, public		1 per 4 students
Schools of private instruction	1 per 200 square feet of gross floor area	1 per 150 square of gross floor area
Colleges	1 per 4 students	1 per 2 students
Hotel and motel	0.8 per room plus 1 per 800 square feet of public meeting area and restaurant space	1 for each guest room, plus 1 per 400 square feet of public meeting space and restaurant space
TRADE USES		
Commercial		
Retail Space (unless otherwise specified)	1 for each 200 square feet of gross floor area	N/A
Furniture, hardware, home furnishings, and other similar establishments	1 for each 400 square feet of gross floor area	N/A
Gasoline filling station	1 for each lubrication pit or maintenance stall plus 1 for service vehicle, plus 3 for employees	N/A
Restaurant	1 per 75 square feet of gross floor areas	1 per 50 square feet of gross floor area
Restaurant, Drive-in or fast food		
With seats	1 per 50 square feet of	1 per 65 of square feet of

**October 14, 2014
Regular Meeting**

	gross floor area	floor area
Without seats	1 space per 60 square feet of gross floor area	N/A
Night clubs	1 for each 100 square feet of gross floor area	N/A
Shopping center	1 for each 300 square feet of floor area	1 for each 250 square feet floor area
Wholesale, storage not otherwise classified	1 for 1,000 square feet of gross floor area devoted to enclosed storage	N/A
Pharmacy, freestanding, with a drive-through window for drop off and pick up of prescriptions	1 for each 400 square feet of floor area	1 for each 300 square feet of floor area
Bank, Drive-Through	1 per 250 feet of gross floor area	1 per 200 feet of gross floor area
Supermarkets, clothing and department stores, hardware building supplies, book stores, big box stores and similar uses	1 for each 300 square feet of floor area	1 for each 250 square feet floor area
Industrial		
Factories, laboratories, laundries, etc.	1 for each 1-1/2 employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in the connection therewith	N/A
CULTURAL, ENTERTAINMENT AND RECREATIONAL USES		
Auditorium, assembly halls, community centers, dance halls, legitimate and motion picture theaters		
Fixed seats	1 for each 4 seats based on maximum seating capacity	N/A
Without fixed seats.	1 for each 100 square feet of gross floor area	N/A
Dance Hall	5 per 1,000 square feet	6 per 1,000 square feet

**October 14, 2014
Regular Meeting**

	of gross floor area	of floor area
Amphitheaters, sports area, stadium or gymnasium	1 for each 5 seats of 10 feet of bench space	N/A
Art gallery, library, museum	1 for each 400 square feet of floor area	N/A
Dance Hall	5 per 1,000 square feet of gross floor area	6 per 1,000 square feet of floor area
Amphitheaters, sports area, stadium or gymnasium	1 for each 5 seats of 10 feet of bench space	N/A
SPORTS ACTIVITIES		
Bowling	2 for each alley	4 for each alley
Indoor	5 per 1,000 square feet of gross floor area	6 per 1,000 square feet of floor area
Swimming Pool	1 space per 100 square feet of water surface	N/A
Tennis and similar court games	4 spaces per court	N/A
Health Club/Fitness Center	1.5 per 1,000 square feet of gross floor area	10 per 1,000 square feet of gross floor area
Recreational and Entertainment, Outdoor		
Miniature golf	1 per hole	2 per hole
Driving Range	1 per 2 tees	1 per tee
Golf course	2 per hole	4 per hole
Tennis court and similar court games	2 spaces per court	4 spaces per court
All Other Outdoor Recreation, including amusement parks, batting ranges, and swimming pools	1 per 400 square feet of outdoor recreational area	1 per 300 square feet of outdoor recreational area
OFFICE USES		
Business, general and governmental buildings, professional office buildings, but not including medical offices	1 for each 300 square feet of floor	2 for each 300 square feet of floor
MEDICAL USES		
Doctor's or dentist's office, clinic, and outpatient clinic	1 for each 200 square feet of floor area	
Hospital	1 for each 3 beds, plus.6	

**October 14, 2014
Regular Meeting**

	spaces for each employee or staff member on the maximum working shift, plus .5 spaces	
Veterinary hospital	1 for each 400 square feet of floor area	
SERVICE USES		
Barber, beauty salon	2 for each chair	
Laundry, self services	1 for each 2 cleaning or laundry machines	
Dry cleaning establishment	1 for each 200 square feet of floor area	
Funeral home, mortuary	1 for each 4 seats in chapels or parlors with fixed seats, or 1 for 100 square feet of floor area for assembly rooms without fixed seats for services, plus 5 for employees	
Other	1 for each 200 square feet of floor area	
INSTITUTIONAL USES		
Churches, synagogues, temples and other places of worship; and civic fraternal, political, private, religious, and social non-profit organizations	1 for every 4 seats of the maximum seating capacity in the main place of assembly or 1 for each 100 square feet of usable floor space in the a main place of assembly in places which do not have fixed seats	Churches, synagogues, temples and other places of worship; and civic fraternal, political, private, religious, and social non-profit organizations

F. SIGNAGE

I. Purpose and Intent.

- a. Protection of property values, the unique character of various areas in the city, public safety and welfare, and encouraging the appropriate use of property, all require strict regulation of the use and display of signs in the city. The regulations set forth in this section shall govern all signs, are in addition to any requirements for signs contained in any other Article or Section of this ordinance, and shall take precedence in the event of a conflict with any other provision in this ordinance, except in the case of a conflict with the requirements of Article IX, Section J of this ordinance, which shall take precedence and control.

**October 14, 2014
Regular Meeting**

- b. Signs placed on land or on a building for the purpose of identification, protection or advertising a use conducted therein shall be deemed to be an integral part of the land or building. The regulations and limitations on signs established herein are intended to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose. Business sign regulations have been devised after considering among other matters, shopping habits, extent of trade areas, means of access and the avoidance of competition among sign displays in their demand for public attention.

2. Permit Requirements.

- a. A sign permit shall be required before a sign is erected, altered or relocated, except as otherwise provided herein.
- b. Each application for a sign permit shall be accompanied by plans showing the area of the sign; the size, character and design proposed; the method of illumination, if any; the exact location proposed for such sign; the method of fastening such sign; and the name and address of the sign owner and of the sign erector.
- c. Fees for sign permits shall be in accordance with the schedule of fees for building permits and adopted by City Council.
- d. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of issuance of the permit.
- e. A permit shall not be required for the following signs and activities; provided, however, that such signs shall be subject to any and all applicable provisions of this ordinance.
 - (1) Any sign four (4) square feet or less in area.
 - (2) Repainting without changing wording, composition or color, or minor, nonstructural repairs.
 - (3) The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - (4) Signs permitted in all districts under subsection 11 of this Section F.

3. Signs Permitted.

Only signs as listed, described or otherwise provided for herein shall be permitted. All signs shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this ordinance.

4. Signs Permitted in the R-1, R1-A, R-2, R-3, R-4, PUD and PMH Districts.

The following signs are permitted in the R-1, R1-A, R-2, R-3, R-4, PUD and PMH districts when the uses for which they are intended are allowed in the district.

- a. One (1) sign not exceeding two (2) square feet in area and three (3) feet in height for each dwelling unit from which a home occupation is conducted. Such sign shall indicate only the name of the occupant and/or its location.
- b. Signs for permitted commercial uses in the R-3, PUD and PMH districts shall be governed by the regulations for the RO-1 and R-04 Districts set forth hereafter in subsection 5 of this Section F.
- c. No building-mounted sign shall project above the roof line.

**October 14, 2014
Regular Meeting**

- d. Residential subdivisions, multifamily developments and planned manufactured home parks shall be allowed two freestanding signs at entrances, each limited to eighteen (18) square feet in size, with a total square area of thirty six (36) square feet, and seven feet in height; or one (1) sign no more than thirty-six (36) square feet in size and seven (7) feet in height.
5. Signs Permitted in the RO-1 and RO-4 Districts.

The following signs shall be permitted in all RO-1 and RO-4 districts. All signs shall be identifying signs.

- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
 - b. Freestanding signs, limited to one (1) per parcel, and limited to a maximum sign area of twenty (20) square feet. Such signs shall not exceed a height of more than eight (8) feet. No such sign shall be located closer than five (5) feet to the property line.
 - c. Wall signs, limited to one (1) for each building on the premises, with sign area limited to a maximum of ten (10) square feet.
 - d. Wall mounted directory signs, restricted to two (2) signs for any building. Such signs shall not exceed two (2) square feet per person or office listed on the sign.
 - e. No wall mounted sign shall project above the roof line.
6. Signs in the Tourist/Historic District (TH-1) and the Downtown Central Business District (B-1).

Before any sign shall be erected in the Tourist/Historic District, a certificate of appropriateness shall be obtained from the Board of Architectural Review, subject to the provisions of Article XIV of this ordinance. Before any sign shall be erected in the Downtown Central Business District, a certificate of appropriateness shall be obtained from the Downtown Design Review Committee established under Article IX of this ordinance. All signs erected in the Downtown Central Business District shall comply with the provisions of Article IX, Section J of this ordinance.

7. Signs permitted in the B-2 districts.

The following signs are permitted in the B-2 districts.

- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
- b. For permitted commercial uses, total sign area for building mounted signs on buildings housing only one (1) tenant shall not exceed in the aggregate one and one-half (1 ½) square feet of sign area for each lineal foot of building frontage. No such sign shall be required to be less than twenty (20) square feet, nor shall it exceed one hundred (100) square feet.
- c. On lots containing buildings housing more than one (1) tenant, sign area for building mounted signs for each tenant shall not exceed one and one-half (1 ½) square feet for each linear foot of building frontage occupied by that tenant, with a maximum sign area for that respective tenant of one (100) square feet.
- d. The following types of building mounted signs shall be permitted.
 - (1) Projecting signs, provided that such signs shall not exceed ten (10) square feet in area, and shall not project more than five (5) feet from the building front, nor closer than two (2) feet from any curb line.
 - (2) Roof signs.
 - (3) Signs attached to the vertical face of a marquee, provided that such signs shall not project below the lower edge of the marquee, nor shall extend above the vertical marquee face.

**October 14, 2014
Regular Meeting**

- (4) Wall signs.
 - (5) Signs on awnings, provided that such signs shall be limited to the drop leaf and letters shall not exceed eight (8) inches in height.
- e. In addition to building mounted signs, freestanding signs shall be permitted. The area permitted for freestanding signs shall be in addition to that permitted for building mounted signs.
- (1) Freestanding signs shall not exceed fifty (50) square feet in area, and shall not extend higher than fifteen (15) feet. No more than one (1) freestanding sign shall be permitted per parcel.
 - (2) No more than one (1) freestanding sign shall be permitted for a shopping center, limited in area of fifty (50) square feet, and shall not extend higher than fifteen (15) feet. Such sign shall indicate only the name of the shopping center and/or business use or a combination of business uses within the center.
- f. All signs shall have a minimum clearance of ten (10) feet above a walkway, and fifteen (15) feet above a driveway.
- g. Temporary grand opening signs shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. A permit shall be required, but no fee paid.
- h. Temporary, portable or porta signs advertising special sales shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. Use of these type signs shall be limited to one time per calendar year. A permit shall be required but no fee paid.
8. Signs Permitted in the B-3 and B-4, Districts.
- The following signs are permitted in the B-3 and B-4 districts, unless otherwise noted.
- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
 - b. For permitted commercial or industrial uses, total sign area for building mounted signs on buildings housing only one (1) tenant, shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign area shall be required to be less than forty (40) square feet, nor shall it exceed two hundred (200) square feet.
 - c. On lots containing buildings housing more than one (1) tenant, sign area for building-mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by that tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet. No such sign area shall be required to be less than forty (40) square feet.
 - d. The following types of building mounted signs shall be permitted:
 - (1) Projecting signs, provided that such signs shall not project nearer than five (5) feet from any property line.
 - (2) Roof signs.
 - (3) Signs attached to the vertical face of a marquee, provided that such signs shall not project below the lower edge of the marquee, nor shall extend above the vertical marquee face.
 - (4) Wall signs.
 - (5) Signs on awnings, provided that such signs shall be limited to the drop leaf and letters shall not exceed eight (8) feet in area.

**October 14, 2014
Regular Meeting**

- e. In addition to building mounted signs, freestanding signs shall be permitted. The area permitted for freestanding signs shall be in addition to that permitted for building mounted signs.
 - (1) Freestanding signs shall not exceed in the aggregate forty (40) square feet, and shall not extend higher than ten (10) feet. One (1) freestanding sign is allowed per parcel.
 - (2) No more than one (1) freestanding sign shall be permitted for a shopping center limited in area to fifty (50) square feet, and shall not extend higher than ten (10) feet. Such sign shall indicate only the name of the shopping center and/or a business use or combination of business uses within the center. No other freestanding signs shall be permitted; except that an individual enterprise with a direct access to a highway defined as a thoroughfare street in the comprehensive plan shall be permitted one (1) freestanding sign, not to exceed forty (40) square feet in area and limited height to ten (10) feet.
 - f. All signs shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway.
 - g. Temporary grand opening signs shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. A permit shall be required, but no fee required.
 - h. Temporary, portable or porta signs advertising special sales shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. Use of these type signs shall be limited to one time per calendar year. A permit shall be required but no fee paid.
 - i. Any sign not permanently affixed to the ground or to a building that is designed or constructed in such a manner that it can be moved or relocated without involving structural or support changes shall be deemed to be a porta sign. Porta signs include any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service, when the vehicle is parked so as to attract the attention of the motoring or pedestrian traffic.
9. Signs Permitted in the PSC, M-1 and M-2-Districts.
- The following signs are permitted in the PSC, M-1 and M-2 districts, unless otherwise noted.
- a. Signs for residential uses shall be regulated by subsection 4 of this Section F.
 - b. For permitted commercial or industrial uses, total sign area for building mounted signs on buildings housing only one (1) tenant, shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign area shall be required to be less than forty (40) square feet, nor shall it be exceed two hundred (200) square feet.
 - c. On lots containing buildings housing more than one (1) tenant, sign area for building-mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by that tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet. No such sign area shall be required to be less than forty (40) square feet.
 - d. The following types of building mounted signs shall be permitted.
 - (1) Projecting signs, provided that such signs shall not project nearer than five (5) feet from any property line.
 - (2) Roof signs.
 - (3) Signs attached to the vertical face of a marquee, provided that such signs shall not project below the lower edge of the marquee or extend above the vertical marquee face.

**October 14, 2014
Regular Meeting**

- (4) Wall signs.
 - (5) Signs on awnings, provided that such signs shall be limited to the drop leaf, and letters shall not exceed eight (8) feet in area.
- e. In addition to building mounted signs, freestanding signs shall be permitted. The area permitted for freestanding signs shall be in addition to that permitted for building mounted signs.
- (1) Freestanding signs shall not exceed in the aggregate fifty (50) square feet, and shall not extend higher than eighteen (18) feet. One (1) freestanding sign is allowed per parcel.
 - (2) No more than one (1) freestanding sign shall be permitted for a shopping center limited in area to fifty (50) square feet, and shall not extend higher than eighteen (18) feet. Such sign shall indicate only the name of the shopping center and/or a business use or combination of business uses within the center. No other freestanding signs shall be permitted; except that an individual enterprise with a direct access to a highway defined as a thoroughfare street in a comprehensive plan shall be permitted one (1) freestanding sign, not to exceed forty (40) square feet in area and limited height to ten (10) feet.
- f. All signs shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway.
- g. Temporary grand opening signs shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. A permit shall be required, but no fee paid.
- h. Temporary, portable or porta signs advertising special sales shall be permitted, provided that such sign or signs shall not be displayed more than ten (10) days. Use of these type signs shall be limited to one time per calendar year. A permit shall be required but no fee paid.
- i. Any sign not permanently affixed to the ground or to a building that is designed or constructed in such a manner that it can be moved or relocated without involving structural or support changes shall be deemed to be a porta sign. Porta signs include any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service, when the vehicle is parked so as to attract the attention of the motoring or pedestrian traffic.

10. Freestanding Signs.

All freestanding signs, except home occupation signs, shall be monument-type signs and shall comply with the following standards.

- a. The width of the base of the sign shall be equal to or greater than the width of the sign face.
- b. The height of the base of the sign shall be less than or equal to the height of the sign face.
- c. The total height of the sign, including the base, shall be less than the width of the base.
- d. The installation of shrubs or floral plantings that are not intended to exceed the base of the sign shall be installed at the ground of any monument sign.
- e. Signs shall be sufficiently visible from street right-of-way so that site entrances can be readily identified by both pedestrians and persons in vehicles.

11. Signs Permitted in all Districts.

The following signs shall be permitted in all districts and shall not require a sign permit. The area of any sign shall not be included in computing the aggregate sign areas specified for individual usage.

October 14, 2014
Regular Meeting

- a. Temporary signs shall be non-illuminated and limited to the following types.
 - (1) Temporary campaign signs are permitted provided that they do not exceed thirty-two (32) square feet in area and seven (7) feet in height; not be placed on utility poles, traffic control signs or trees or within public rights of way; and are removed thirty (30) days after the election.
 - (2) Street banners advertising a public entertainment or event, if specifically approved by the city council and only for locations designated by the City Council. Any such sign shall be permitted during a period beginning thirty (30) days before the event and ending five (5) days after the event.
 - (3) Store window signs on or within store windows relating to the business conducted within, or to amusement or civic, religious, cultural, education or charitable activities.
 - (4) Signs advertising only the name, date, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar occasional event, when conducted by a governmental agency or not for profit entity for the benefit of any civic, fraternal, religious, or charitable cause. No such sign shall exceed thirty two (32) square feet. Any such sign shall be permitted during a period beginning thirty (30) days before the event and ending five (5) days after the event.
 - (5) Seasonal displays and decorations not advertising a product, service or entertainment.
- b. Any informational or directional sign or historic marker, erected by a governmental agency, which may include signs displayed by the City to give directions to business districts and commercial facilities for the convenience of the traveling public.
- c. Non-illuminated signs not exceeding one-half ($\frac{1}{2}$) square feet in area, warning against hunting, fishing or trespassing on the land on which the same are displayed.
- d. Wall or freestanding signs in a parking lot to identify entrances, exits and divisions of the lot into sections, and to control vehicular and pedestrian traffic in the lot, provided each sign does not exceed two (2) square feet in area.
- e. Institutional signs setting forth the name or any simple announcement for any public, charitable, education or religious institute, located entirely within the premises of that institution, and not exceeding the aggregate twenty five (25) square feet of sign area. Such signs shall be either wall or freestanding signs and, if freestanding, shall have a minimum clearance of ten (10) feet above a walkway and fifteen (15) feet above a driveway or alley.
- f. Names of buildings, dates of erection, monumental citations, commemorative tables, plaques, and similar notices, when carved into stone, concrete or of a similar type construction and made an integral part of the structure.
- g. Signs required to be maintained by law or governmental order.
- h. Signs which are within a ball park or other similar public or private recreational use and which cannot be seen from a public street or adjacent properties.
- i. Flag, emblems or insignia of the United States, the Commonwealth of Virginia, the City of Hopewell, other cities, and counties, states, religious groups, civic organizations and service clubs.
- j. Small signs displayed for the direction of the traveling public, including signs which identify rest rooms, location of public telephones, freight entrances, or similar notices, with

**October 14, 2014
Regular Meeting**

a total area not to exceed two (2) square feet per sign. The maximum number of directional signs permitted on a property shall be determined by the Director of Development.

- k. Small signs, each of which has a total area not exceeding two (2) square feet, placed by a public utility, showing the location of underground utilities.
- l. Official notices or advertisements posted or displayed by or under the directions of any public or court officer in the performance of official duties, provided that all such signs shall be removed not later than ten (10) days after the last day of the period for which the same are required to be displayed in order to accomplish their purposes.
- m. Small signs not exceeding two (2) square feet in area, attached flat against a building, non-illuminated, announcing only the name and occupancy of the building tenant.
- n. Any church may have one off-site directional sign that does not exceed four (4) square feet, is not located within the public right-of-way and does not conflict with any traffic-related sign, with approval from the Director of Development.

12. Real Estate and Construction Signs

- a. The following real estate signs do not require a permit and are allowed under the conditions specified herein:
 - (1) Onsite real estate signs that advertise the sale or rental of residential premises shall be maintained in good condition and removed within ten (10) days after the transfer of title or rental of such property and shall not be illuminated.
 - (2) Offsite real estate signs directing the way to premises that are for sale or rent and open to the public for inspection. They shall be erected only while the building is open to the public for inspection and shall be removed when the agent or owner closes the premises for public viewing. There shall be no more than one sign per street intersection directing the way to the premises.
 - (3) Onsite real estate signs advertising an open house are permitted so long as there is no more than one onsite sign. The message shall be restricted to "open house", a directional arrow, and the real estate company or owner's name, logo, phone number and the hours the building is open for inspection
 - (4) Offsite real estate signs directing the way to premises that are for sale or rent. Such signs shall be limited to one sign per intersection per house for sale. The message on the sign must be limited to the realtors association trademark "R", equal housing opportunity logo, "for sale" or "for rent" and an arrow. The signs must be removed ten (10) days after the transfer of title, or the rental of such property.
 - (5) Real estate signs are limited in size to six (6) square feet in area and seven (7) feet in height. Up to two (2) riders may be attached to such signs. If riders are attached, the total sign area is limited to eight (8) square feet. If the property fronts along a major arterial and is designated on the comprehensive plan for nonresidential use, the requirements for such signs in business or industrial districts found in subsections b.(4) and b.(5) below apply.
- b. The following real estate/construction signs require a sign permit and are subject to the conditions specified herein:
 - (1) One (1) onsite real estate sign advertising a residential community, provided that such sign shall be removed when ninety (90) percent of the dwelling units in the residential community are occupied.

**October 14, 2014
Regular Meeting**

- (2) One (1) construction sign advertising the use to be made of a commercial building or structure and the businesses and firms developing the building or structure. The signs shall be confined to the site of the construction project. Such sign may be installed when actual construction is started and shall be removed within fourteen (14) days upon the issuance of a certificate of occupancy or the beginning of the intended use of the project, whichever is sooner.
- (3) One (1) construction sign notifying the public that a nonresidential community is coming soon. This sign shall be removed before erection of any other construction sign and in no instance shall be permitted to remain longer than three years.
- (4) One onsite real estate sign advertising the sale or rent of parcels of land with or without buildings in business or industrial districts, provided that such sign is removed within ten (10) days after the transfer of deed or rental of such property. If the sign is no greater than sixteen (16) square feet a sign permit shall not be required.
- (5) The signs must not exceed thirty-two (32) square feet in area and a height of seven (7) feet.

13. Signs Prohibited in all Districts.

The following types of signs are prohibited in all districts.

- a. Any sign that violates any provision of any law of the state or federal government relative to outdoor advertising.
- b. Any sign that violates any provision of the Uniform Statewide Building Code.
- c. Any sign that obscures a sign or signal displayed by a public authority for the purpose of giving traffic instructions, directions or other public information.
- d. Any sign which advertises an activity, business, product or service that is not conducted or sold on the premises upon which the sign is located.
- e. Any sign that prominently displays the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.
- f. Any sign within the triangular area at the street corner of a corner lot described in Section Q, Visual Obstruction, of this Article.
- g. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to produce light, air, ingress or egress for any building as required by law.
- h. Any sign of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weather vane.
- i. Any sign that contains or consists of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similarly-moving devices. These devices, when not part of any sign, shall be similarly prohibited unless specifically permitted by this ordinance.
- j. Any sign, except official notices and advertisement, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure for supporting wire, cable, or pipe, or to any tree on any street or sidewalk or to public property of any description.
- k. Any sign attached to a chimney, tower, tank or structure of like kind which extends above the district height limits.

October 14, 2014
Regular Meeting

- l. Any sign located above the roof line of a building.
- m. Any sign which encroaches on a public right of way.
- n. The parking of a vehicle to which a sign is attached for display purposes or the use of such a vehicle for a portable sign shall be prohibited.
- o. Signs attached to fences or walls are prohibited unless otherwise specifically allowed by this ordinance.
- p. No new billboard shall be erected after the date of the amendment of this ordinance. All existing billboard signs shall be deemed nonconforming and shall adhere to this Article.
- q. Any signage that contains harassing, lewd, offensive, obscene, threatening, or violent language or images, as determined by the Zoning Administrator, shall be prohibited.
- r. Signage for sexually oriented businesses shall contain no photographs, silhouettes, drawings, graphic images or pictorial representations of any manner, and may contain only:
 - (1) the name of the enterprise; and/or
 - (2) one or more of the following phrases:
 - i. "Adult bookstore;"
 - ii. "Adult entertainment;"
 - iii. "Adult movie theatre;"
 - iv. "Adult novelties;"
 - v. "Gentlemen's club."

14. Illumination.

- a. Unless otherwise prohibited by this ordinance, signs may be illuminated using white light, provided such illumination is in accordance with this section.
- b. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related.
- c. No sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alternating on not less than a five (5) second cycle when such time or temperature sign does not constitute a public hazard.
- d. No colored lights shall be used at any location or in any manner so as to be confused with, or constituted as, traffic control devices.
- e. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- f. No exposed reflective type bulbs and no strobe or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- g. Internal lighting shall be limited to internal lighting contained within translucent letters and/or logos and provided that the background or field, on which the copy and/or logos are placed, is opaque and the area limited is restricted to the sign face only. The direct or reflected illumination shall not exceed five-tenths (0.5) foot candles above the background measured at the lot line of any adjoining property or street right-of-way.

**October 14, 2014
Regular Meeting**

- h. External lighting shall be provided by concealed and/or screened spot or flood lights and shall be arranged and installed so that direct or reflected illumination does not exceed five-tenths (0.5) foot candles above background measured at the lot line of any adjoining residential property or street right-of-way.
- i. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into any public or private right-of-way or residential dwelling.

15. Nonconforming Signs.

- a. Signs that do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated, but that are erected in accordance with all applicable regulations in effect at the time of their erection, may remain erected only so long as the then-existing use which they advertise or identify remains, except as set forth in this subsection, Nonconforming Signs, below.
- b. No nonconforming sign shall be worded so as to advertise or identify any use other than in effect at the time it became a nonconforming sign, except that the wording may be changed to advertise successor businesses conducted on premises; provided, however, that signs designed for and used to display changeable messages may continue to be used for that purpose.
- c. No nonconforming sign shall be moved on the same lot or to another lot unless the moving will relocate the sign into a zoning district or an area in which it will conform.
- d. No nonconforming sign shall be erected, except in conformity with the provisions of this Article. If damaged to an extent greater than sixty (60) percent of its replacement cost, no non-conforming shall be repaired or rebuilt unless it conforms to all applicable requirements of this ordinance.
- e. Any sign that is not in conformity with the provisions of this Article, and which is not or ceases to be a lawful, nonconforming sign, shall be subject to removal under the provisions of subsection 15, Removal of Signs, of this Section F.
- f. If a nonconforming billboard remains blank for a continuous period of ninety (90) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or any other person having control over such sign. For purposes of this section, a sign is "blank" if:
 - (1) it advertised a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - (2) the advertising message it displays becomes illegible in whole or substantial part as determined by the Director of Development; or
 - (3) the advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

16. Removal or Abandonment of Signs.

- a. Removal of sign. The Director of Development may order the removal of any sign erected or maintained in violation of this ordinance upon thirty (30) days written notice to the owner of such sign, or the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring such sign into compliance. Upon failure to comply with this notice, the Director of Development or his duly authorized representative may remove the sign at cost to the owner. The Director of Development may remove a sign

October 14, 2014
Regular Meeting

immediately and without notice if the condition or location of the sign is such that the Director of Development deems the sign to present an immediate threat to the safety of the public.

- b. Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on such premises within sixty (60) days after the cessation of the business on such premises.

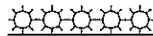
G. MODIFICATIONS TO DEVELOPMENT STANDARDS OR REQUIREMENTS.

1. Any aggrieved party may appeal the determination of the Director of Development or City Engineer related to the standards contained within this Article, except for those development standards or requirements, which must be modified by the granting of a variance, special exception, conditional use or rezoning. Such an appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Director of Development a notice of appeal specifying the grounds thereof, and paying the applicable fee established for said appeal in Article XXII-G of this ordinance. The Director of Development shall forthwith transmit to the Planning Commission for its review and recommendation to City Council all the papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings, to include but limited to site plan, building permit or record plat approval, in furtherance of the action appealed from, unless the Director of Development certifies to the City Council that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property, which case proceedings shall not be stayed otherwise than by a restraining order granted by a court of record, on application and on notice to the Director of Development and for good cause shown.
3. The Planning Commission may recommend modifications with or without conditions to development standards or requirements specific to this Article to the City Council. The Planning Commission shall fix a reasonable time for hearing of the application and decide the same within ninety (90) days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.
4. Upon receipt of the recommendation of the Planning Commission, the City Council, after public notice in accordance with Virginia Code §15.2-2204, shall hold at least one public hearing on such application, and as a result thereof, shall either approve or deny the request.
5. The City Council may grant modifications, with or without conditions, to development standards or requirements specific to this Article. No modification to a development standard or requirement shall be authorized by the City Council unless it considers and determines substantial compliance with the Comprehensive Plan. The City Council shall not grant a modification to any development standard or requirement if:
 - a. The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
 - b. Ordinary financial considerations are the principal reason for the requested modification.
 - c. The modification amends a property-specific condition imposed by the City Council or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the City Council.
 - d. The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem,

**October 14, 2014
Regular Meeting**

including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of the development density.

6. Any person or persons jointly or severally aggrieved by the final decision of the City Council shall file a written appeal with the Circuit Court for review by filing a petition at law, setting forth the alleged illegality of the action by the governing body, provided such petition is filed within thirty (30) days of the final decision being rendered by the governing body. The filing of the said petition shall stay the decision of the governing body. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transactions. The court shall fix a reasonable time for hearing the appeal.



PH-2 PUBLIC HEARING – AN ORDINANCE AMENDING AND REENACTING ARTICLE 7 (GENERAL REGULATIONS), SECTION 7-4-3 (WATER FACILITIES) OF THE SUBDIVISION ORDINANCE OF THE CITY OF HOPEWELL, TO PROVIDE FOR THE PROHIBITION OF WELLS AS A WATER FACILITY FOR ANY NEW DEVELOPMENT, AND TO REGULATE THE USE OF OR ABANDONMENT OF ANY EXISTING WELLS IN THE CITY OF HOPEWELL

This was the night advertised as a public hearing to receive citizen comments regarding a proposed Ordinance amending and reenacting Article 7 (General Regulations), Section 7-4-3 (Water Facilities) of the Subdivision Ordinance of the City of Hopewell, to provide for the prohibition of wells as a water facility for any new development, and to regulate the use of or abandonment of any existing wells in the City of Hopewell

The Public Hearing was opened at 7:56 p.m.

Johnnie Butler, City Engineer, reviewed the proposed amendment and fielded questions from Council. Concerns of City Council were the unknown cost of permits from the Health Department and implementation of regulation of existing wells within the City.

There being no speakers, the Public Hearing was closed at 8:15 p.m.

Motion was made by Councilor Shornak, seconded by Vice Mayor Gore to resolve to adopt the ordinance, on first reading, amending and reenacting Article 7 (General Regulations), Section 7-4-3 (Water Facilities) of the Subdivision Ordinance of the City of Hopewell, to provide for the prohibition of wells as a water facility for any new development, and to regulate the use of or abandonment of any existing wells in the City of Hopewell.

Substitute motion was made by Councilor Pelham and accepted by Councilor Shornak and Vice Mayor Gore to delay the vote so a review and a work session could be conducted on October 28, 2014. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

**October 14, 2014
Regular Meeting**

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

PH-3 PUBLIC HEARING – AMENDMENTS TO THE CITY’S ENTERPRISE ZONE

This was the night advertised as a public hearing to receive citizen comments regarding a second amendment to the City’s Enterprise Zone and to authorize submission of the Enterprise Zone Amendment application to the state to effect the amendments

Tevya Griffin, Director of Neighborhood Assistance and Planning, explained the need for the amendment.

The Public Hearing was opened at 8:20 p.m.

There being no speakers, the Public Hearing was closed at 8:21 p.m.

Motion was made by Councilor Edwards, seconded by Vice Mayor Gore to resolve to approve a second amendment to the City’s Enterprise Zone and to authorize submission of the Enterprise Zone Amendment Application to the state to effect the amendments. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

COMMUNICATIONS FROM CITIZENS

Dorothy Flowers, Ward 2, said she is concerned over the high excess utility bills for the residents in Thomas Rolfe Court. The utilities are to be included in the rent and the meters are not supposed to be read by the maintenance people that work for the Hopewell Redevelopment and Housing Authority. Other concerns include roaches, fleas and bed bugs. When the exterminator comes the only areas sprayed to kill the roaches and the other bugs are behind the stoves and the refrigerators. Another concern is the placing of old locks on doors. The locks are taken off of empty apartment doors and are recycled, by putting them on the occupied apartment door and the tenants have to pay \$42.00 for the locks to be installed on their apartment doors, residents also are paying for cabinets and toilet seats that belong to the Hopewell Redevelopment and Housing Authority. Ms. Flowers stated holes in the apartments are only caulked and are not repaired properly.

Scott Firestine, Ward 4, and the Director of Appomattox Regional Library showed the logo for the library’s 40th anniversary. The library was regionalized in 1974 and serves Hopewell, Dinwiddie, and Price George’s eighty thousand residents. The City Council was thanked for their many years of support to the library.

Tony Zevgolis, Ward 3, said he has heard numerous complaints about the quality of Comcast and Verizon. He recommends the City put pressure on the companies to install fiber optics.

October 14, 2014
Regular Meeting

R-1 REGULAR BUSINESS – REFUND TO BANK OF AMERICA REPRESENTING ADJUSTMENTS RESULTING FROM DEPARTMENT OF TAXATION AUDITS OF BANK FRANCHISE TAXES SUBSEQUENT TO AMENDMENTS FILED FOR TAX YEARS 2010 THROUGH 2012

Motion was made by Councilor Shornak, seconded by Vice Mayor Gore to resolve to approve the refund in the amount of \$24,878.28 to Bank of America for adjustments resulting from department of taxation audits of bank franchise taxes. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

R-2 REGULAR BUSINESS – RESOLUTION - PERSONAL PROPERTY TAX RELIEF (PPTR) PERCENTAGE FOR 2014

Motion was made by Councilor Shornak, seconded by Councilor Luman-Bailey to adopt A Resolution Setting Forth the Personal Property Tax Relief Percentage for 2014, in the City of Hopewell, Virginia in accordance with the Personal Property Tax Relief Act of 1998 and the 2005 Appropriations Act. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

Mayor Bujakowski filed a Transaction Disclosure Statement, “own personal property.”
Councilor Pelham filed a Transaction Disclosure Statement, “may receive relief.”

RESOLUTION

A RESOLUTION SETTING FORTH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE FOR 2014, IN THE CITY OF HOPEWELL, VIRGINIA IN ACCORDANCE WITH THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998 AND THE 2005 APPROPRIATIONS ACT

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code Section 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provision of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

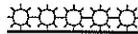
**October 14, 2014
Regular Meeting**

WHEREAS, these legislative enactments require the City of Hopewell, Virginia to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the City of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hopewell, Virginia, that qualifying vehicles situated within the City during the tax year 2014, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at more than \$1,000 and up to \$20,000 will be eligible for 56% tax relief;
- Personal use vehicles valued at more than \$20,000 shall only receive 56% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (e.g., business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.



R-3 REGULAR BUSINESS – RESOLUTION – SUPPORT FOR THE YOUTH PROMISE ACT

Motion was made by Councilor Shornak, seconded by Councilor Pelham to adopt Resolution Support for the Youth Act Promise. Upon the roll call, the vote resulted:

Councilor Edwards	-	NO
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

RESOLUTION

SUPPORT FOR THE YOUTH PROMISE ACT

WHEREAS, Congressman Robert “Bobby” Scott introduced legislation H. R. 1064 on 2/13/2009 to the 111th Congress, the “Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act” known as the Youth PROMISE Act aimed to assist young people who are at risk or who are already involved in criminal activities or the justice system; and

WHEREAS, the intent of the Youth PROMISE Act is to provide for evidence and research based strategies proven to reduce juvenile delinquency and criminal street gang activity through prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; and

**October 14, 2014
Regular Meeting**

WHEREAS, the proposed bill is to authorize \$2.9 billion per year to reduce juvenile delinquency and criminal street gang activity through prevention and early intervention with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) responsible for administering the grant funds and the selection of community grantees; and

WHEREAS, the Youth PROMISE Act creates a PROMISE Advisory Panel which will help the Office of Juvenile Justice and Delinquency Prevention to select PROMISE community grantees that will develop performance standards for national evaluation of PROMISE programs; and

WHEREAS, the Youth PROMISE Act encourages local communities to form collaborative relationships referred to as PROMISE Coordinating Councils who are required to develop a comprehensive action plan tailored specifically for the locality based on data collection and a needs and strengths assessment of the community; and

WHEREAS, the PROMISE Coordinating Council would include representatives from law enforcement, juvenile justice, courts, schools, social services, health providers, community-based organizations, faith-based organizations, parent and youth; and

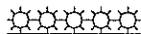
WHEREAS, the Youth PROMISE Act establishes funding to create a National Research Center for research assistance and to disseminate research of current evidence based and promising practices to local jurisdictions so the results can be replicated in other communities; and

WHEREAS, the Youth PROMISE Act creates a Center for Youth Oriented Policing (YOPs) to train police officers in youth oriented and community based policing tactics germane to youth and provides support for youth victim and witness protection programs; and

WHEREAS, the Youth PROMISE Act requires that local units of government or Indian tribes receiving grants shall provide from nonfederal funds in cash or in-kind, 25 percent of the costs of the activities carried out with such grants; and

WHEREAS, the Youth PROMISE Act is endorsed by 69 co-sponsors of Congress and over 200 national and state organizations.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY of HOPEWELL that Hopewell City Council lends its support to the Federal legislation, the Youth PROMISE Act H.R. 1064



R-4 REGULAR BUSINESS – AMENDMENT TO BUDGET RESOLUTION AMENDMENT FY 2014-2015 ADOPTED BY CITY COUNCIL ON 9-9-14 PROVIDING FOR CORRECTION TO SECTION 1 OF THE RESOLUTION (FUND TITLE AND NUMBER)

Motion was made by Councilor Luman-Bailey, seconded by Vice Mayor Gore to resolve to approve amendments to the Budget Resolution Amendment Fiscal Year 2014-2015, adopted by City Council on 9-9-14 providing for corrections to Part 1, Section1, School Capital Fund - 063 of the Resolution. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes

**October 14, 2014
Regular Meeting**

Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

Councilor Shornak filed a Transactional Disclosure Statement, "daughter, employee of City." Councilor Pelham filed a Transactional Disclosure Statement, "work for Hopewell Public Schools." Mayor Bujakowski filed a Transactional Disclosure Statement, "wife employed by Hopewell School System."

AMENDED BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2014-2015

WHEREAS, at the meeting of the City Council of the City of Hopewell held on September 9, 2014, an amended budget for operations and capital projects.

Part 1:

WHEREAS an amended budget for the Hopewell Schools of fund encumbrances at June 30, 2014 was introduced in its complete form of which \$232,618 is to be re-appropriated for encumbrances for the FY 2014-2015 budget, and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for encumbrances;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be re-appropriated for school services from carryover balances.

School Operating Fund—014 School Capital Fund 063:

Resources:

Carryover for Encumbrances.....	\$232,618
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Appropriations:

Operating Expenditures	\$232,618
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Part 2:

WHEREAS an amended budget of fund encumbrances at June 30, 2014 was introduced in its complete form of which \$15,000 is to be re-appropriated for Inoperable Vehicle Overtime for the FY 2014-2015 budget, and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for encumbrances;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be re-appropriated for Inoperable Vehicle Enforcement and Furniture from carryover balances.

General Fund-011:

**October 14, 2014
Regular Meeting**

Resources:

Fund Balance	\$16,900
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Appropriations:

Operating Expenditures (Enforcement)	\$15,000
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Operating Expenditures (Furniture)	\$ 1,900
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Part 3:

WHEREAS revenues exceeded expenditure at June 30, 2014, of which \$1,362,000 is to be re-appropriated for Capital Project Purchase (Air Pollution Control Equipment) for the FY 2014-2015 budget, and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for encumbrances;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be re-appropriated for the Air Pollution Control Equipment from carryover balances.

HRWTF Fund-032:

Resources:

Fund Balance	\$1,362,000
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Appropriations:

Capital Project Expenditures	\$1,362,000
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Part 4:

WHEREAS Council entered into a comprehensive agreement for a HRWTF Nitrogen Reduction Capital Project an amended budget to appropriate funds in the amount of \$78,494,906 is to be appropriated for Nitrogen Reduction Capital Project for the FY 2014-2015 budget, and,

WHEREAS, sufficient funds have been identified from resources as listed;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be appropriated.

HRWTF Fund-032:

Resources:

WQIF Grant	\$44,129,657
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Supplemental Grant	\$ 5,000,000
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Equity from Industry	\$19,365,249
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VRA Bonds	<u>\$10,000,000</u>
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Total	\$78,494,906
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**October 14, 2014
Regular Meeting**

Appropriations:

Capital Project Expenditures \$78,494,906

Part 5:

WHEREAS, an amended budget of the fund encumbrances at June 30, 2014 were introduced in its complete form of which \$9,775,000 is to be re-appropriated for encumbrances and on-going capital projects for the FY 2014-2015 budget, and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for encumbrances;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be re-appropriated to operate city services from carryover balances.

General Fund-011:

Resources:

Non-spendable-Encumbrances \$ 126,870

Operating Expenditures \$ 126,870

RECREATION & PARKS Fund-035:

Non-spendable-Encumbrances \$ 12,740

Operating Expenditures \$ 12,740

MARINA Fund-038:

Non-spendable-Encumbrances \$ 381

Operating Expenditures \$ 381

CDBG Fund-052:

Carry Over Funds \$ 257,914

Operating/Capital Expenditures \$ 257,914

CAPITAL PROJECTS Fund-071:

**October 14, 2014
Regular Meeting**

Carry Over Funds	\$9,377,095
Operating/Capital Expenditures	\$9,377,095

R-5 REGULAR BUSINESS – SCHOOL SYSTEM – RECREATION LEAGUE FOOTBALL FIELD

Charles Dane, Assistant City Manager said more time is needed for a presentation due to recent information collected. The presentation will be at the Work Session on October 28, 2014.

Councilor Pelham filed a Transactional Disclosure Statement, “member of Hopewell Public Schools.”

R-6 REGULAR BUSINESS – CITY OF HOPEWELL FALL-CLEAN-UP-WEEK (OCTOBER 18-25, 2014)

Motion was made by Councilor Luman-Bailey, seconded by Councilor Walton to resolve to approve setting October 18-25, 2014 as Citywide Fall Clean-Up Week. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

R-7 REGULAR BUSINESS – APPOINT A DELEGATE AND AN ALTERNATE DELEGATE TO THE 2014 ANNUAL BUSINESS MEETING AT THE CONGRESS OF CITIES

Motion was made by Vice Mayor Gore, seconded by Councilor Luman-Bailey to resolve to appoint **Councilor Pelham** as delegate and **Councilor Luman-Bailey** as alternate delegate to the 2014 annual business meeting at the Congress of Cities. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

R-8 REGULAR BUSINESS – APPROVAL OF ESTIMATED STORMWATER UTILITY EQUIVALENT RESIDENTIAL UNIT (ERU) RATE

Motion was made by Councilor Shornak, seconded by Vice Mayor Gore to resolve to continue the ongoing public hearings, resident education on the stormwater utility, and for the Stormwater Engineer to

**October 14, 2014
Regular Meeting**

return to City Council with the lowest rate and funding over a period of time possible for the estimated stormwater utility user fee rate. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

R-9 REGULAR BUSINESS – AMEND CITY COUNCIL’S REGULAR MEETING SCHEDULE

Motion was made by Councilor Edwards, seconded by Councilor Shorank to resolve to approve amending City Council’s regular meeting schedule providing for the November 2014 regular meeting to be moved to November 18, 2014. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	NO
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	NO

R-10 REGULAR BUSINESS – COUNCIL RULES AND PROCEDURES – WORK SESSION POLICY– PROPOSED REVISIONS

Motion was made by Councilor Pelham to resolve to approve amendments to “Council Rules and Procedures” work session policy (411.) There being no second the motion died.

R-11 REGULAR BUSINESS – REVIEW AND RECOMMEND, AN INDIVIDUAL TO SERVE ON THE BOARD OF EQUALIZATION

Motion was made by Councilor Walton, seconded by Councilor Shornak to resolve to recommend Kyle Davis to the Circuit Court Judge to serve on the Board of Equalization. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

R-12 REGULAR BUSINESS – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF HOPEWELL TO REZONE THE PROPERTY KNOWN AS 717 FRANCIS STREET FROM TH-1(TOURIST/HISTORIC DISTRICT) TO R-1 (RESIDENTIAL, LOW DENSITY DISTRICT).

Tevya Griffin gave a presentation of the rezoning request for 717 Francis Street, Hopewell, Virginia. The property was placed in the Tourist/Historic District in 1983, yet was not in the original

**October 14, 2014
Regular Meeting**

Historic District mapping. The owner is requesting the property be re-zoned as R-1, Residential, Low Density District. A Public Hearing will be held at the November 18, 2014.

REPORTS OF THE CITY CLERK

Motion was made by Councilor Luman-Bailey, seconded by Councilor Edwards to resolve to appoint the following:

Mary Calos to the **Architectural Review Board** ; Thelma Cooper to the **Board of Zoning Appeals**; John Weigel to the **District 19 Community Services Board**; **Thomas Wagstaff** and **Robert Moore** to the **Economic Development Authority of the City of Hopewell, Virginia**; **Rogers Lee Henry** and **Michael Mahaney** to the **Hopewell Redevelopment Housing Authority**; **Henry Wilde** to the **Planning Commission/Wetlands Board**; **Janelle Taylor** to the **Recreation Commission** ; **Jacqueline Shepperson** and **Judy Wells** to the **Senior Citizens Advisory Commission**; **Thomas Wells** as Liaison to the **Senior Citizens Advisory Commission**; **James R. Wisniewski** to the **Transportation Safety Board**; **Fran Halupka** and **Olivia Dragoo** to the **Library Board**; **Patrick Plourde** to the **Social Services Advisory Board**; and **Frank Whipp** to the **Dock Commission**. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

Reports of City Council:

Committees, Individual requests, and Any other Councilor

Councilor Luman-Bailey thanked the 400th Anniversary Committee on the wonderful job on the story boards in the historic district.

Vice Mayor Gore asked the City Manager the status on the youth report. The City Manager said it was being compiled. Vice Mayor Gore also inquired about the rolling marquee quotes. The City Manager said a rolling marquee would cost between \$15,000 to \$17,000 dollars.

CCR-1 CITIZEN/COUNCILOR REQUEST – COUNCILOR WALTON AND COUNCILOR EDWARDS – COMMUNITY CENTER OPEN TO CHILDREN AFTER SCHOOL

Motion was made by Councilor Walton, seconded by Councilor Pelham to resolve to have the Community Center open with no charge in the afternoon after school for school age children.

Council concerns were over extra costs and extra staffing to the Community Center for opening after school for programs.

Aaron Reidmiller, Director of Recreation and Parks, advised the Community Center is already open for free play from 3:30 p.m. to 5:30 p.m. during the school year. Expanding free hours and increasing the numbers of participants would cause the Community Center to increase structured programs for the participants that would create a monetary increase in the budget.

October 14, 2014
Regular Meeting

Substitute motion was made by Councilor Walton, seconded by Councilor Pelham to resolve to open the Community Center, with no charge to school age children, after school hours from 3:30 p.m. to 6:00 p.m. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

COUNCIL COMMUNICATIONS

Councilor Walton thanked the 50th Class Reunion Committee of the Class of 1964 for the great job they did for the reunion. The 29th Friends of the Lower Appomattox (FOLAR) Annual Meeting will be held at the Appomattox Regional Library at 6:30 p.m. October 29, 2014.

Councilor Edwards said the new Langston Park apartments are looking good.

Vice Mayor Gore invited the children to the “Trick or Trunk” on November 1, 2014 from 4:30 p.m. until 7:00 p.m. at the Elks Lodge Hopewell at 1505 High Avenue. She extended an invitation to children 13-15 and 16-18 to attend the Midnight Basketball at the Hopewell Community Center on November 1, 2014 from 9:30 p.m. until 2:00 a.m.

Councilor Luman-Bailey said this Saturday October 18, 2014 from 12:00 p.m. until 3:00 p.m. a book signing will be held in the Hopewell Manufacturer’s Association Room at the Appomattox Regional Library. The 5K Walk Run will be held the last Saturday in October and will be held in City Point.

Councilor Pelham thanked Herbert Bragg, Director of Intergovernmental and Public Affairs, and John Keohane, Chief of Police, and the police volunteers for their participation and assistance with the “Walk Against Crime.”

Councilor Shornak said a Ward #7 Meeting will be held on October 20, 2014 at 6:30 p.m. and everyone in the City is invited. The “LOVE” sign has been unveiled in front of the Hopewell-Prince George Chamber of Commerce and is ready for photo opportunities.

ADJOURNMENT

At 9:45 p.m. **motion** was made by Councilor Walton, seconded by Vice Mayor Gore and unanimously passed to adjourn the meeting.

Michael C. Bujakowski, Mayor

Cynthia Y. Ames, City Clerk

PENDING

&

ACTION

LIST

PENDING & ACTION ITEM LIST	DATE VOTED OR REQUESTED	2ND VOTE or Reading	STATUS OF ITEM
1.) Council Rules & Procedures Proposed Work Session Policy changes	10.14.2014	n/a	No second to motion, motion died
2.) ORDINANCE ON WELLS	10.14.14 REQUESTED WK SESS HELD ON 10.28.2014	12.9.2014	On agenda for 11.18.2014 approved Second reading on 12.9.2014
3.) 10 million max HRWFT Bond Ordinance	9.9.2014	9.23.2014	Bonds signed completed 10/2014
4.) ERU stormwater utility fee	9.9.14; 10.14.14; Wk Session 10.28.14 11.18.2014 vote	pending	Wk Session Complete 5 options On agenda for 11.18.2014 & 12.9.2014
5.) Staff to research applying for Certified Local Government and Preserve America designation for Hopewell Historic District	8.12.2014		City Manager to direct staff and report findings to Council
6.) Marquee pricing - solar power, paper, banners, etc.	9.9.2014	n/a	City Manager to coordinate and return with report on 10.14.2014 return with report on 11.18.2014
7.) Sound and visual equipment in Council Chambers	9.9.2014	n/a	COMPLETED
8.) City Wide Clean Up once a quarter	11.18.2014	n/a	City Manager to coordinate with staff
9.) Staff to research and provide an "exit interview" for residents that have come before the ARB for a COA or other discussion	8.12.2014		City Manager to direct staff and report findings to Council
10.) Propose to donate \$4,000 to Petersburg Synphony to secure a performance in 2015	11.18.2014		Presentation on 12.9.2014
11.) Work Session with Parks and Recreation Dept	requested on 9.9.2014	n/a	City Manager to coordinate
12.) City to enter into negotiations to take possession of the Old Mallonee School Gym for use as a Youth Center	11.18.2014		City Manager to coordinate
13.) Community Center Report	11.18.2014		City Manager to coordinate presentation set for 12.9.2014
14.) Planning Commission a request to add Old Jail to the State Register of Historic Bldgs	2.8.2011		

PENDING & ACTION ITEM LIST	DATE VOTED OR REQUESTED	2ND VOTE or Reading	STATUS OF ITEM
15.) Local government/authority to assess administrative penalties to industrial violators	12.10.2013		
16.) Public Hearing for use of public property Downtown	5.13.2014		Approved for PH on 11.18.2014
17.) 6 month hold on Old Jail with Parameas end 2.2014	9.10.2013		

INFORMATION FOR COUNCIL REVIEW

PERSONNEL
CHANGE
REPORT AND
FINANCIAL
REPORT

DATE: December 1, 2014
TO: The Honorable City Council
FROM: Gail Vance, Director of Human Resources
SUBJECT: Personnel Change Report – November 2014

ADDITIONS (Regular FT and PT positions only)

NAME	DEPARTMENT	POSITION	DATE
RICKS, IRHONDA R	SOCIAL SERVICES	SELF SUF SPC I/II	11/12/2014
CREIGHTON, MORGAN K	BUREAU OF POLICE	ANIM CONT CUST	11/14/2014
WOODLIEF, KEVIN	PUBLIC WORKS	SMSI	11/25/2014

PROMOTIONS

NAME	DEPARTMENT	POSITION	DATE
TRAINUM, BEVERLY M	SOCIAL SERVICES	SELF SUF SPC 3/4	11/12/2014

/sr

CC: Mark Haley, City Manager
Charles Dane, Assistant City Manager
Jerry Whitaker, Finance Director
Kim Hall-Dean, Interim Business Manager
Kim Hunter, Payroll
Jay Rezin, IT
Peter Kelly, IT
Jennifer Sears, HR Supervisor
Dave Harless, Risk/Safety Coordinator
Carol Scarbrough, Parks & Recreation



12/01/2014
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City of Hopewell, Virginia
FLEXIBLE PERIOD REPORT

FROM 2015 01 TO 2015 05

	ORIGINAL APPROP	TRANFRS/ADJUSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
003 PERPETUAL CARE FUND	0	0	0	-3,508.97	2,784.70	724.27	.0%
TOTAL REVENUES	-35,000	0	-35,000	-7,300.00	.00	-27,700.00	
TOTAL EXPENSES	35,000	0	35,000	3,791.03	2,784.70	28,424.27	
011 GENERAL FUND	0	0	0	5,743,531.77	1,688,403.89	7,431,935.66	.0%
TOTAL REVENUES	-46,057,000	-971,270	-47,028,270	-3,551,952.39	.00	-43,476,317.21	
TOTAL EXPENSES	46,057,000	971,270	47,028,270	9,295,484.16	1,688,403.89	36,044,381.55	
012 SOCIAL SERVICES	0	0	0	1,202,584.21	25,299.32	3,559,380.76	.0%
TOTAL REVENUES	-3,816,000	0	-3,816,000	-256,619.24	.00	-3,559,380.76	
TOTAL EXPENSES	3,816,000	0	3,816,000	1,459,203.45	25,299.32	2,331,497.23	
014 SCHOOLS OPERATING	0	0	0	-4,478,969.51	.00	4,478,969.51	.0%
TOTAL REVENUES	-47,544,000	0	-47,544,000	-4,478,969.51	.00	-43,065,030.49	
TOTAL EXPENSES	47,544,000	0	47,544,000	1,367,009.61	2,520.00	47,544,000.00	
015 COMPREHENSIVE SERVICES ACT	0	0	0	-8,320.00	.00	-1,369,529.61	.0%
TOTAL REVENUES	-2,990,000	0	-2,990,000	1,375,329.61	.00	-2,981,680.00	
TOTAL EXPENSES	2,990,000	0	2,990,000	302,828.71	1,097,021.11	1,612,150.39	
030 REFUSE	0	0	0	-2,184.25	.00	-1,399,849.82	.0%
TOTAL REVENUES	-2,124,000	0	-2,124,000	-2,184.25	.00	-2,121,815.75	
TOTAL EXPENSES	2,124,000	0	2,124,000	305,012.96	1,097,021.11	721,965.93	
032 HRWTF	0	0	0	3,281,744.02	1,876,643.00	5,158,387.02	.0%
TOTAL REVENUES	-16,079,000	-79,856,906	-95,935,906	-5,146,638.92	1,876,643.00	-90,789,267.10	
TOTAL EXPENSES	16,079,000	79,856,906	95,935,906	8,428,382.92	1,876,643.00	85,630,880.08	
035 RECREATION	0	0	0	474,086.44	83,198.95	557,285.39	.0%
TOTAL REVENUES	-1,660,500	-381	-1,660,881	-55,060.82	83,198.95	-1,605,820.18	
TOTAL EXPENSES	1,660,500	381	1,660,881	529,147.26	3,213.00	1,048,534.79	
038 MARINA	0	0	0	-5,126.76	.00	1,913.76	.0%
TOTAL REVENUES	-14,400	0	-14,400	-9,173.25	.00	-5,226.75	
TOTAL EXPENSES	14,400	0	14,400	4,046.49	3,213.00	7,140.51	
040 SEWER OPERATIONS	0	0	0	-776,061.64	.00	776,061.64	.0%
TOTAL REVENUES	-5,716,000	0	-5,716,000	-776,061.64	.00	-4,939,938.36	
TOTAL EXPENSES	5,716,000	0	5,716,000	.00	.00	5,716,000.00	
041 SEWER MAINTENANCE	0	0	0	1,045,080.65	256,245.68	1,301,326.33	.0%
TOTAL REVENUES	-6,297,000	0	-6,297,000	-38,395.59	.00	-6,258,604.41	
TOTAL EXPENSES	6,297,000	0	6,297,000	1,083,476.24	256,245.68	4,957,278.08	
043 SEWER BOND	0	0	0	286,483.33	.00	-286,483.33	.0%
TOTAL REVENUES	-1,628,000	0	-1,628,000	286,483.33	.00	-1,628,000.00	
TOTAL EXPENSES	1,628,000	0	1,628,000	15,203.41	576.00	1,341,516.67	
052 GRANTS	0	0	0	15,203.41	576.00	-15,779.41	.0%
TOTAL REVENUES	0	-257,914	-257,914	15,203.41	576.00	-257,914.00	
TOTAL EXPENSES	0	257,914	257,914	528.66	576.00	242,134.59	
053 ANTI-LITTER	-5,000	0	-5,000	528.66	.00	-5,000.00	.0%
TOTAL REVENUES	5,000	0	5,000	528.66	.00	4,471.34	
TOTAL EXPENSES							



City of Hopewell, Virginia

12/01/2014
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City of Hopewell, Virginia
FLEXIBLE PERIOD REPORT

PAGE 2
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FROM 2015 01 TO 2015 05

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
056 SCHOOLS TEXTBOOK	0	0	0	-49,416.32	.00	49,416.32	.0%
TOTAL REVENUES	-650,000	0	-650,000	-49,416.32	.00	-600,583.68	
TOTAL EXPENSES	650,000	0	650,000	.00	.00	650,000.00	
057 SCHOOL CAFETERIA	0	0	0	-315,243.10	.00	315,243.10	.0%
TOTAL REVENUES	-3,095,000	0	-3,095,000	-315,243.10	.00	-2,779,756.90	
TOTAL EXPENSES	3,095,000	0	3,095,000	.00	.00	3,095,000.00	
063 SCHOOL BLDG/BUS REPLACEMENT	0	0	0	.00	.00	.00	.0%
TOTAL REVENUES	-610,000	-232,618	-842,618	.00	.00	-842,618.00	
TOTAL EXPENSES	610,000	232,618	842,618	.00	.00	842,618.00	
071 CAPITAL PROJECTS AND DEBT	0	0	0	1,361,471.62	1,603,726.86	-2,965,198.48	.0%
TOTAL REVENUES	-5,000,000	-9,872,095	-14,872,095	-876,402.74	.00	-13,995,692.26	
TOTAL EXPENSES	5,000,000	9,872,095	14,872,095	2,237,874.36	1,603,726.86	11,030,493.78	
073 SPECIAL WELFARE	0	0	0	-5,094.57	.00	5,094.57	.0%
TOTAL REVENUES	0	0	0	-5,094.57	.00	5,094.57	
TOTAL EXPENSES	0	0	0	-2.74	.00	2.74	.0%
074 POLICE SEIZURE ASSETS	0	0	0	-2.74	.00	2.74	.0%
TOTAL REVENUES	0	0	0	250,000.00	.00	-250,000.00	
TOTAL EXPENSES	0	0	0	.00	.00	990,000.00	
075 ECONOMIC DEVELOPMENT	0	0	0	250,000.00	.00	740,000.00	.0%
TOTAL REVENUES	0	-990,000	-990,000	250,000.00	.00	-740,000.00	
TOTAL EXPENSES	0	990,000	990,000	242,844.70	240,537.50	-483,382.20	
076 SELF INSURANCE	0	0	0	.00	.00	-290,000.00	.0%
TOTAL REVENUES	-290,000	0	-290,000	242,844.70	.00	-290,000.00	
TOTAL EXPENSES	290,000	0	290,000	3,517.35	35,109.99	-193,382.20	
090 HEALTHY FAMILIES	0	0	0	3,517.35	35,109.99	-38,627.34	.0%
TOTAL REVENUES	-148,262	0	-148,262	-40,121.74	.00	-108,140.26	
TOTAL EXPENSES	148,262	0	148,262	43,639.09	35,109.99	69,512.92	
GRAND TOTAL	0	0	0	9,943,490.87	6,915,280.00	-16,858,770.87	.0%



12/01/2014
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City of Hopewell, Virginia
FLEXIBLE PERIOD REPORT

PAGE 3
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REPORT OPTIONS

Sequence 1	Field #	Total	Page Break
Sequence 2	1	Y	N
Sequence 3	0	N	N
Sequence 4	0	N	N

Report title:

FLEXIBLE PERIOD REPORT

Includes accounts exceeding 0% of budget.
 Print Full or Short description: S
 Print full GL account: N
 Sort by full GL account: N
 Print Revenues-Version headings: N
 Print revenue as credit: Y
 Print revenue budgets as zero: N

From Yr/Per: 2015/ 1
 To Yr/Per: 2015/ 5
 Budget Year: 2015
 Print totals only: Y
 Format type: 1
 Double space: N
 Suppress zero bal accts: Y
 Amounts/totals exceed 999 million dollars: N
 Roll projects to object: N
 Print journal detail: N
 From Yr/Per: 2015/ 1
 To Yr/Per: 2015/ 5
 Include budget entries: Y
 Incl encumb/liq entries: Y
 Sort by JE # or PO #: J
 Detail format option: 1
 Multiyear view: D

PUBLIC HEARINGS
ANNOUNCEMENTS

NONE

ROUTINE
GRANT
APPROVAL

None

ORDINANCES ON
SECOND AND FINAL
READING

ORDINANCE 2014-21

An Ordinance authorizing the vacation of a portion of an undeveloped right-of-way in the 200 block of North 7th Avenue in the Day Subdivision, in the City of Hopewell, Virginia.

WHEREAS, a request has been filed with the City of Hopewell to vacate the City's interest in a portion of the undeveloped right-of-way in the 200 block of North 7th Avenue in the Day Subdivision, in the City of Hopewell, Virginia; and

WHEREAS, the Planning Commission of the City of Hopewell has recommended granting the requested vacation.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the vacation of the following described rights-of-way located in the City of Hopewell, Virginia:

ALL that certain piece or parcel of land located in the City of Hopewell, Virginia, identified as a vacant portion of North 7th Avenue in the Day Subdivision, in the City of Hopewell, Virginia,

be authorized and doth hereby authorize the Mayor to execute, on behalf of the City of Hopewell, one or more deeds of vacation vacating such parcels, as well as a development agreement, after review of said deed or deeds and such resubdivision plat by the City Attorney.

This Ordinance shall become null and void and of no effect if it is not recorded together with all deeds of vacation, and resubdivision plats in the Clerk's Office of the Circuit Court of the City of Hopewell within 30 days from passage of this Ordinance, or if the involved property owners do not pay all costs. The party or parties requesting this vacation are responsible for preparing the appropriate deeds to effect vacation, submission of said deeds to the City Attorney for approval prior to execution and recordation, and the recordation of said deeds, all in a timely manner. The vacated parcels shall be assimilated into, and become a part of, each abutting property, in accordance with the resubdivision plat. The party or parties requesting this vacation are responsible for effecting any resubdivision process necessary to accomplish such assimilation. A copy of this Ordinance shall be sent to said parties by the Clerk of the City of Hopewell.

ORDINANCE 2014-18

An Ordinance amending and reenacting Article 7 (General Regulations), Section 7-4-3 (Water Facilities), of the Subdivision Ordinance of the City of Hopewell, to provide for the prohibition of wells as a water facility for any new development, and to regulate the use of or abandonment of any existing wells in the City of Hopewell

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article 7 (General Regulations), Section 7-4-3 (Water Facilities) of the Subdivision Ordinance of the City of Hopewell, is amended and reenacted as follows:

ARTICLE 7 GENERAL REGULATIONS

7-1. MUTUAL RESPONSIBILITY

There is a mutual responsibility between the subdivider and the City of Hopewell to divide the land so as to improve the general use pattern of the land being subdivided.

7-2. LAND MUST BE SUITABLE

The Council shall not approve the subdivision of land if, from adequate investigations conducted by all the city agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. The Council may require the subdivider to furnish topographic maps, flood plain profile elevation, information or other relevant information.

7-3. FLOODING

Land in the one hundred (100) year flood plain and other land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses in such a way as to endanger health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall neither be endangered by periodic or occasional inundation nor produce conditions contrary to public welfare.

7-4. IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost and in accordance with City rules and regulations. The subdivider's performance bond shall not be released until construction has been completed, inspected and approved by the chief engineering officer or appropriate official.

7-4-1. STREET

All streets in the proposed subdivision shall be designed and constructed in accordance with the standards set by the City of Hopewell and the Virginia Department of Highways and Transportation for acceptance into the City and State road system, and at no cost to the locality. Where dwellings are sold and occupied before construction of streets is completed, the developer shall maintain such partially constructed streets suitable for emergency vehicles and for general vehicle use by residents. If the developer fails to maintain such partially constructed streets, suitable for emergency vehicles and for general vehicle use by residents, the City shall have the authority to apply the maintenance bond described in Section 7-4-13b to proceed with the maintenance of any such street.

7-4-1a. ALIGNMENT AND LAYOUT

The arrangement of streets in new subdivisions shall make provision of the continuation of

existing streets in adjoining areas and proposed streets as shown in the adopted Comprehensive Plan. Each subdivision should be designed to provide at least two (2) means of vehicular access. The street arrangement to adjoining property, proposed streets shall be extended to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to meet intersecting streets at angles of not less than sixty (60) degrees, unless approved by the Council upon recommendation of the Director of Engineering.

7-4-1b. ACCESS TO MAJOR STREETS

Where a subdivision borders on or contains an existing or proposed major street, the Council may permit the subdivider to provide that the access to such streets be limited by one or more of the following means:

- (a.) The subdivision of lots so that they will back onto the major street and front onto a parallel minor street. No access shall be provided from the major street and screen planting shall be provided in a strip of land along the rear property line of such lots.
- (b.) The subdivision of lots along a series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel minor street, with the rear lines of the terminal lots contiguous with the major street right-of-way.
- (c.) The subdivision of lots along a service street and physically separated from the major street by a planting or grass strip and having access thereto at approved points.

7-4-1c. APPROACH ANGLE

Major streets shall approach major or minor streets at an angle of not less than ninety (90) degrees, unless the Council, upon recommendation of the Director of Engineering shall approve a lesser angle of approach for reasons of contour, terrain, or matching of existing patterns.

7-4-1d. MINIMUM WIDTHS

The minimum width of proposed streets measured from lot line to lot line, shall be fifty (50) feet, or as specified by the City of Hopewell.

7-4-1e. CUL-DE-SACS

Generally, permanent cul-de-sacs shall be no longer than four hundred (400) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter, or as specified by the City of Hopewell.

7-4-1f. ALLEYS

No alleys shall be platted and/or allowed within any subdivision.

7-4-1g. PRIVATE STREETS AND RESERVE STRIPS

No private street shall be platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strip.

7-4-1h. NAMES

Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the name of that street. No name shall duplicate any existing street names, irrespective of the use of any such suffixes such as street, avenue, boulevard, road, driveway, place, land or court. Street names shall be approved by Council. Names of existing streets shall not be changed except by approval of City Council.

7-4-1i. IDENTIFICATION SIGNS

Street identification signs, readable from either side, of a design and installation approved by the City shall be installed by the subdivider at all intersections.

7-4-2. MONUMENTS

As required by this ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications described below. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the City are clearly visible for inspection and use. Such monuments shall be inspected and approved by the City before any improvements are accepted by the City Council.

7-4-2a. LOCATION - CONCRETE

Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all exterior boundary points of the subdivision.

7-4-2b. LOCATION - IRON PIPE

All other lot corners shall be marked with iron pipes not less than three fourth (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel pipe one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

7-4-3. WATER FACILITIES

An approved water service system shall be extended by the subdivider to all lots within a subdivision, in accordance with the approved design standards and specifications for water service, construction and improvements in the City of Hopewell, Virginia be looped. The City of Hopewell prohibits wells as a water facility for any new development. The City is authorized to prohibit the use of existing wells, and/or require proper abandonment of existing wells located in a restricted zone. The Department of Development will establish location-specific meets and bounds for restricted zones, as necessary, when environmental or safety concerns dictate.

7-4-4. SEWERAGE FACILITIES

Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision and septic tanks will not be permitted. The subdivider shall provide each lot with a satisfactory and sanitary means of sewage collection and disposal in accordance with the approved design standards and specifications for sewerage construction and improvements in the City of Hopewell, Virginia.

7-4-5. STORM DRAINAGE FACILITIES

The subdivider shall provide all necessary information needed to determine what drainage improvements are necessary to develop properly such property. Such information shall include, but may not be limited to, contour data, drainage plans, hydraulic calculations and flood control devices. The subdivider shall also provide plans for all such improvements, together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will meet current city standards. The City engineer's office shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the City engineer's office. The subdivider shall install the storm drainage facilities as approved.

7-4-6. FIRE PROTECTION

Fire hydrants shall be required in a subdivision at locations approved by the agent. The location and design of the fire hydrants shall meet the approval of the City.

7-4-7. EASEMENTS

The City may require the subdivider to provide suitable drainage easements. The location and width of easements provided for drainage, water, sewer, power lines and other utilities in the subdivision shall be approved by the Council.

7-4-8. PLANS AND SPECIFICATIONS

The required number of blue or black line prints of the plans and specifications, for all required physical improvements to be installed, shall be prepared by a certified engineer or land surveyor and shall be submitted with the final plat to the Council for approval or disapproval within thirty (30) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval stated in writing.

7-4-9. UTILITIES

All utility lines shall be located underground.

7-4-10. STREET LIGHTS

All subdivisions shall have a system of street lights installed as required by the City.

7-4-11. SIDEWALKS

Sidewalks shall be installed on both sides of residential streets which serve as a minor collector street or a street of higher design standard; which acts as an approach to a school, bus stop, shopping center or other such focal point and where densities exceed six families per net acre (average lot size of 7,260 square feet). All sidewalks installed shall be in accordance with the design standards and specifications of the City of Hopewell, Virginia.

7-4-12. CURB AND GUTTER

Curb and gutter shall be installed along all property abutting public streets and in accordance with the design standards and specifications of the City of Hopewell.

7-4-13. BONDING

7-4-13a. PERFORMANCE BOND

The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check payable to the City of Hopewell in an amount equal to the total cost of the improvements determined by the City. The bond or check shall guarantee that the improvements will be installed in a manner acceptable to the City. The bond or check shall accompany the final plat.

7-4-13b. MAINTENANCE BOND

The subdivider shall be required to file a maintenance bond with the City Engineer in an amount considered adequate and in a form satisfactory to the City, in order to assure the satisfactory maintenance of the required improvements, from the date of the approval of the plat until the end of a period of one year after the date of the acceptance of those improvements by the City. Said bond shall be submitted before the City accepts any improvements or authorizes the initiation of construction of any improvements.

7-4-13c. ABSENCE OF BOND

In the absence of a performance bond, or check, no final plat shall be approved until the required improvements have been installed and approved by the Council.

7-5. LOTS

Lots shall be arranged in order that the following considerations are satisfied.

7-5-1. LOT SIZE

The minimum lot size in any subdivision shall be in accordance with zoning district in which the lot is located.

7-5-2. SHAPE

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly-shaped extensions solely to provide necessary square footage of area which would be unusable for normal purposes.

7-5-3. LOCATION

Each lot shall abut on an existing or proposed dedicated public street, or on a street which has become public right-of-use.

7-5-4. SUBSTANDARD RIGHTS-OF-WAYS

If lots front on one side only of an existing right-of-way which is substandard in size (does not meet the standard width of right-of-way as specified by the City of Hopewell for the level of service of that road), the subdivider shall be required to dedicate to the City additional land so as to provide one half of the standard width of right-of-way. If lots front on both sides of an existing right-of-way which is substandard in size, the subdivider shall be required to dedicate to the City additional land on one or both sides of the existing right-of-way so as to provide the standard width of right-of-way.

7-5-5. CORNER LOTS

Corner lots shall have width sufficient for adequate sight distance on both streets as determined by the City.

7-5-6. SIDE LINES

Side lines of lots shall be approximately at right angles, or radial to the street line.

7-5-7. REMNANTS

All property of a subdivided tract must be included in lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

7-5-8. SEPARATE OWNERSHIP

Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the court and held with the final plat until the subdivider is ready to record same, and then both shall be recorded.

7-5-9. OFF STREET PARKING AND DELIVERY FACILITIES

All subdivisions, including those intended for business and industrial uses, shall include space set aside for off-street parking and/or delivery facilities as required by the City of Hopewell Zoning Ordinance.

7-6. BLOCKS

Where created by the subdivision of land, all new blocks shall be designed to comply with the following general requirements.

7-6-1. LENGTH

Generally, the maximum length of blocks shall be twelve hundred (1200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.

7-6-2. WIDTH

Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth consistent with Section 7-5 of this Subdivision ordinance, unless prevented by topographical conditions, size of the property, or an adjacent major street, in which case the Council may approve a single tier of lots of minimum depth.

7-6-3. ORIENTATION

Where a proposed subdivision will adjoin a major road, the Council may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

7-7. PARKS, SCHOOLS AND PUBLIC LANDS

7-7-1. In subdividing property, consideration shall be given to suitable sites for schools and other areas for public use as contained in the Comprehensive City Plan, except as noted in Section 7-7-2 below. Such planned location for schools and other public land as determined by the Council shall be indicated on the preliminary and final plat. Any such site or sites shall be reserved for a period of eighteen (18) months from the recordation of the final plat, during which time, the City may purchase the land, at the price per acre of the last purchase price of the same land, or at the price per acre according to current assessed value of the same land whichever is higher. This price shall be known as "the raw land price". If the City does not purchase the land within the eighteen (18) months, the subdivider may proceed to subdivide or develops the property.

7-7-2. In subdividing property, not to include resubdividing, the subdivider shall convey to the City of Hopewell such reasonable amount of land for open spaces, parks and playgrounds as determined necessary to protect the general health and public welfare of the area. The subdivider shall not be required to convey more than ten (10) percent of the gross land area of his subdivision to the City. The size, location and charter of the land conveyed shall be determined by Council, in consultation with the Recreation Commission and the Planning Commission. Such site shall be suitable for development into parks and playground areas in accordance with the needs of the people expected to reside in the subdivision. Any such land shall be indicated on the preliminary and final plat of the subdivision. The City shall remunerate the developer for any such land so conveyed. The amount of the remuneration shall be equal to the developer's purchase price of the land conveyed or the assessed value of the land conveyed, whichever is greater.

7-7-3. With respect to a subdivision, to include resubdivision, the Council shall require the developer to pay to the City a cash payment for recreation purposes. Such cash payment shall be placed in a Neighborhood Park and Improvement Fund to be established by the City. Such cash payment shall be used by the City for the improvement of a neighborhood park, playground, or recreation area including the acquisition of property. Such cash payment must be used for facilities that will be actually available to and benefit the persons in said subdivision, and must be located in the general neighborhood of the subdivision. The amount of the cash payment shall be equal to one hundred (100) dollars for each building lot created by the subdivision.

7-8. DESIGN CRITERIA FOR UTILITIES AND FACILITIES

7-8-1. SANITARY SEWER FACILITIES

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate

infiltration of floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

7-8-2. WATER FACILITIES

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

7-8-3. DRAINAGE FACILITIES

All storm drainage facilities shall be designed to convey the flow or surface waters without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with local master drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

7-8-4. UTILITIES

All utilities such as gas lines, electrical and telephone systems being placed in flood prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

7-8-5. STREETS AND SIDEWALKS

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

ROUTINE
GRANT
APPROVAL

None

PROCLAMATIONS

RESOLUTIONS

PRESENTATIONS



Proclamation of the City of Hopewell, Virginia

WHEREAS, after working months with local businesses, gathering works of art, and producing art work; and

WHEREAS, Brianna Kerr's art work was given freely to help those in need; and

WHEREAS, holding an auction at the Beacon Theatre in Hopewell raising several thousand dollars to benefit Children's Cancer Research; and,

WHEREAS, each and every one will benefit from cancer research especially the children; and,

WHEREAS, Brianna Kerr of Hopewell, Virginia, unselfishly gave of her time and talent.

NOW, THEREFORE, BE IT PROCLAIMED the entire City Council of Hopewell, Virginia whole-heartedly thanks Brianna Kerr for her positive influence in our community.

IN WITNESS WHEREOF, I, Michael C. Bujakowski, Mayor of Hopewell, Virginia have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed on this 18th day of November, 2014.

Michael C. Bujakowski, Mayor

Jasmine E. Gore, Vice Mayor

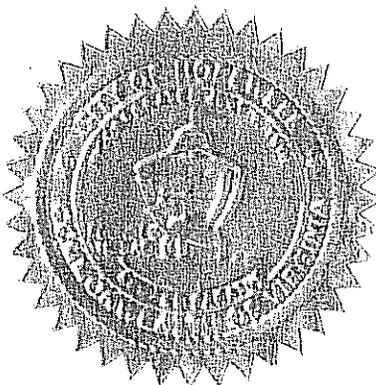
Christina J. Luman-Bailey, Councilor

Roosevelt Edwards, Councilor

K. Wayne Walton, Councilor

Brenda S. Pelham, Councilor

Jackie Shornak, Councilor



PUBLIC HEARINGS

PH-1

ORDINANCE 2014-__

An Ordinance authorizing the transfer and assignment of the City of Hopewell Franchise Ordinance 2001-27 dated February 12, 2002, between Eagle Hill Renewable Energy, LLC and the City of Hopewell, to WM Renewable Energy, LLC.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the City of Hopewell hereby authorizes the transfer and assignment of the City of Hopewell Franchise Ordinance 2001-27, dated February 12, 2002, between Eagle Hill Renewable Energy, LLC and the City of Hopewell, to WM Renewable Energy, LLC.

The requirement for a second reading of this ordinance is here by dispensed with and this ordinance shall take effect immediately upon its passage pursuant to Chapter IV, §7 of the Hopewell City Charter.

FORM OF FRANCHISE ASSIGNMENT AGREEMENT

For good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Eagle Hill Renewable Energy, LLC ("Eagle Hill") hereby grants, conveys, and assigns WM Renewable Energy, LLC; or its assigns ("Purchaser"), effective as of _____, 2014 (the "Effective Date"), all of Eagle Hill's rights, duties, obligations benefits, and interests in the City of Hopewell Franchise Ordinance 2001-27 dated February 12, 2002 between Eagle Hill and the City of Hopewell, Virginia (the "Franchise Contract"). Purchaser agrees to be bound by the terms, conditions, covenants and obligations of the Franchise Contract and assumes and agrees to perform all rights, duties and obligations thereunder from and after the Effective Date.

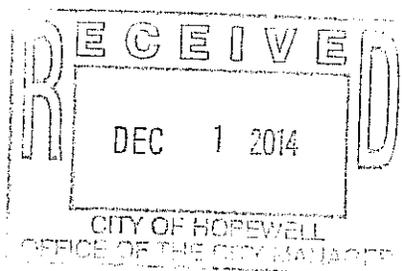
EAGLE HILL RENEWABLE ENERGY, LLC

By: _____
Mark Cousino
Title: President

WM RENEWABLE ENERGY, LLC

By: _____
Title: _____

Honeywell
101 Columbia Road
Morristown, NJ 07962-1057



November 20, 2014

Mr. Mark A. Haley
City Manager
City of Hopewell, Virginia
300 North Main Street, Room 218
Hopewell, VA 23860

Dear Mr. Haley:

It is our understanding that Waste Management is in discussion with Eagle Hill Renewable Energy, LLC (f/k/a Waverly Gas Producers, LLC) to acquire the landfill gas to energy project under which landfill gas is delivered to our Hopewell facility. If this transaction is consummated, we understand that the Franchise Agreement (Ordinance 2001-27) with the City of Hopewell will be assigned to Waste Management and we agree with this assignment.

Very truly yours,

Merritt Peterson
Procurement Director, Resins & Chemicals
Honeywell International Inc.

SRR/ekh

ORDINANCE 2001-27

An ordinance to grant to Waverly Gas Producers LLC, its successors and assigns, a franchise to lay, construct, maintain and operate a pipeline and other needed facilities in, through, under and along a portion of Randolph Road (State Route 10) in the City of Hopewell, Virginia, as defined in Section I, for the purpose of operating, maintaining, and distributing landfill gas to Honeywell International, Inc. on land owned by Honeywell in the City of Hopewell, Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA:

SECTION I

WHEREAS, Waverly Gas Producers LLC, a Virginia limited liability company, (WGP) is in the business of developing landfill gas (LFG) recovery and utilization systems that collect LFG and convey it to a customer and WGP has contracted to collect LFG from the Atlantic Waste Disposal, Inc. (AWDI) landfill in Waverly, Virginia for sale to Honeywell International, Inc. (Honeywell) at its plant located in the City of Hopewell, Virginia via a 20 mile pipeline from the AWDI landfill through parts of Sussex County, Prince George County and the City of Hopewell;

WHEREAS, WGP's contract with Honeywell will benefit the City of Hopewell since Honeywell employs many of the citizens of Hopewell and many citizens of the communities in the Hopewell area;

WHEREAS, WGP's contract with Honeywell will benefit the environment by making use of an energy source that would otherwise be burned at the AWDI landfill and be wasted;

WHEREAS, the area within the City of Hopewell where WGP would install its pipeline is a relatively short distance into the City; and

WHEREAS, WGP has offered the City certain fees set out below for the franchise requested, which Council finds appropriate;

NOW THEREFORE, the right and franchise is hereby granted unto Waverly Gas Producers LLC, its successors and assigns (hereinafter referred to as "WGP"), for the term and subject to the conditions and limitations hereinafter stated, to lay, install and run an 18-inch diameter HPDE (SDR-17 thickness high-density polyethylene) pipeline and other needed facilities (the Pipeline) in, through, under and along approximately 2,100 linear feet of Randolph Road, as follows:

Beginning along the southern side of Randolph Road at Bailey's Creek, said pipeline shall be routed along the unpaved shoulder of the outside eastbound lanes of Randolph Road (offset not less than 15 feet from the existing edge of pavement), thence crossing Randolph Road

on a 45-degree angle via a bored 20-inch diameter steel casing to the northeastern corner of Randolph Road and Hummel Ross Road, thence crossing Hummel Ross Road via a bored 20-inch diameter steel casing to the western side of Hummel Ross Road to the limits of the City right-of-way common to the Honeywell property boundary, in the City of Hopewell, Virginia, all as more particularly depicted on the vicinity sketch hereto attached dated November 15, 2001, and revised twice on December 10, 2001, drawn by Charles C. Townes and Associates, P.C., and to make suitable connections thereto, and to do and perform all things necessary for and incident to the construction, operation and maintenance of the Pipeline for the sole purpose of supplying landfill gas to Honeywell in the City of Hopewell, Virginia under the said contract between WGP and Honeywell and any renewals of said contract, subject to the provisions below.

SECTION II

The materials to be used and the manner of construction to be followed under this franchise shall be as specified from time to time by applicable regulatory agencies having jurisdiction. Whenever any part of the Pipeline shall prove to be in the way of public street improvements or sidewalks in the City, whether such improvements be new or a change in or repair to any existing streets, sidewalks, alleys or public grounds, the City may require WGP, at WGP's own cost, to move so much of its works on the streets, sidewalks, alleys, or other public grounds in the City as may impede the progress of such improvements, and upon the failure of WGP to do so, the City may, after ten (10) days' notice in writing to WGP, itself make such necessary changes in the works of WGP at the cost and expense of WGP. All work done under this ordinance shall be done in such a manner so as not needlessly to interfere with or impede free and proper use of the streets and alleys by the public, nor obstruct the travel thereof.

SECTION III

The work to be done under this ordinance shall be done in such a manner so as not to damage any other underground construction of any other public service corporation holding a franchise from the City or any construction performed by the City itself or by the Virginia Highway Department or Highways and Transportation or unnecessarily to interfere with the making of connections by the City or by the citizens thereof with water or sewerage pipes which may now or hereafter be laid or constructed by the City or by any other public service corporation now holding a franchise from the City. After constructing, laying, relaying, renewing, repairing or replacing its Pipeline under this ordinance, WGP shall, at its own cost, promptly replace, re-lay, repair and restore all streets, sidewalks, alleys or highways disturbed or damaged in the construction, repairing or replacement of the work authorized under this franchise in a workmanlike manner, according to the specifications of the City of Hopewell (using standard VDOT specifications). WGP shall, at its costs, promptly repair any subsequent or latent defects existing as a result of any work authorized to be done under this franchise, and upon failing to do so after seven (7) days' notice in writing shall have been given by the City Manager or his duly authorized representative, the City may replace, re-lay or restore the portions of the streets, sidewalks or alleys that may have been so damaged or disturbed and collect the costs and expenses incurred from WGP. WGP shall be subject to all ordinances and regulations, which may now or hereafter be prescribed by the City with respect to the use of public streets, alleys, avenues and other public places in the City. WGP shall obey all other

applicable federal, state and local laws, regulations and ordinances, including but not limited to Hopewell City Code Section 25-61 concerning preservation of resources.

SECTION IV

In consideration of the franchise herein granted, WGP shall pay to the City an initial fee of \$500.00 (the Initial Fee) and an annual fee equal to \$1.00 per linear foot of the length of the Pipeline installed as described in Section I above (the Annual Fee). Payment of the Initial Fee shall be due prior to any work being commenced on the Pipeline within the area described in Section I above. Payment of the annual fee shall be due on June 30 of each year, beginning June 30, 2002. The amount of the Annual Fee due for the year 2002 shall be prorated from the effective date of this franchise. Fees not paid within 10 days of the due date shall bear interest at the highest rate allowed by law from the due date until paid.

SECTION V

By the acceptance of this franchise, WGP hereby agrees to indemnify and save harmless the City of Hopewell, its officers, agents and employees, from all loss, costs, damages and expenses for any damage to person or property on account of any act or omission by WGP, its successors or assigns, or the employees of any of them in and about the installing, repairing, operation and maintenance of the Pipeline and all guards, trenches or excavations while the said Pipeline is being installed or at any subsequent time extended, or while repairs or alterations are being made thereto at any time in the future or on account of or by reason of any work done under this franchise or in consequence of the operation of WGP, and in the event that suit shall be brought against the City of Hopewell whether independently or jointly with WGP, on account thereof, WGP, upon notice to it by the City, will defend the City in any such suit at the cost of WGP and in the event of a final judgment being obtained against the City of Hopewell, either independently or jointly with WGP, WGP will pay such judgment with all costs, and hold the City harmless therefrom; but nothing herein contained shall be construed to render WGP liable for the negligence of the City of Hopewell, its agents or employees or of any other person or corporation. WGP, its successors and assigns shall at all times carry liability insurance in proper form and amount, to be submitted annually and approved by the City Manager.

SECTION VI

The rights and privileges herein set forth are granted and conferred upon WGP upon the express condition and understanding on the part of WGP that it will supply landfill gas to Honeywell under the terms of its present and any future contract agreement with Honeywell, its successors and or assigns at its plant location within the City of Hopewell at all times during the term of this ordinance and that it will maintain its Pipeline located within the City of Hopewell in good order throughout the term of this grant.

SECTION VII

The franchise, rights and privileges granted by this ordinance shall extend for a period of twenty-five (25) years from and after final passage of this ordinance unless the same be sooner voluntarily surrendered by WGP, its successors or assigns.

SECTION VIII

Any person who shall, within the Corporate Limits of the City of Hopewell, maliciously or wrongfully tamper or interfere with, cut, injure or destroy any of the Pipeline, or other property of WGP, which shall be constructed and maintained in accordance with the provisions of this ordinance, shall, on conviction thereof, be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00). But the imposition of such fine shall not affect the liability of such person for any damage done.

SECTION IX

In the event that WGP should default in the performance of any one or more of the duties or obligations imposed by any of the provisions or conditions of this ordinance, the City Manager shall promptly notify WGP in writing of such alleged default. If WGP fails to correct the said default and bring its performance into compliance with the conditions and provisions of this ordinance within fourteen (14) days after the date of notification by the City, the City Council, after providing a hearing at which WGP shall be entitled to present evidence relating to the alleged default, shall be entitled to suspend or terminate the franchise. Nothing in this section shall serve to limit or restrict the rights of the City or WGP to seek other remedies allowed by law to enforce the provisions and conditions of this ordinance. However, in the event that either the City or WGP files any legal action to interpret and enforce the provisions and conditions of this ordinance, such action shall be subject exclusively to the jurisdiction of the Circuit Court of the City of Hopewell, Virginia.

SECTION X

Upon the expiration of the term of this grant or upon the other termination of the rights hereby granted, by surrender, forfeiture or otherwise, all of the Pipeline installed under the terms and conditions of this ordinance shall thereupon, at the option of the City Council of the City of Hopewell, become the property of the City, and any such property so acquired by the City may be sold, leased, or, if authorized by law, maintained, controlled and operated by the City. In the event that such property is acquired by the City, the City Council shall appoint a special Board of Appraisers to determine a fair and reasonable valuation on the property so acquired and the City shall thereupon compensate WGP, its successors or assigns, for the value of the property. The City shall further have the right to require that, upon the expiration or termination of the franchise granted under this ordinance, WGP remove any or all of the Pipeline within (12) months of such expiration or termination. The streets, avenues, alleys and public places where the same shall be disturbed by removal of such property shall be restored by WGP, at its own cost, to the condition in which they were prior to such removal, and the City shall be saved harmless from any and all damage arising from the removal of such property.

SECTION XI

This franchise is not assignable or transferable without the express written permission of the City, which permission shall not be unreasonably conditioned, withheld or delayed. However, WGP may assign, transfer or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with WGP, provided the City is advised of the action prior to enactment. Any successor(s) of WGP shall be bound by all of the terms and conditions of this franchise and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

SECTION XII

This ordinance and the rights and privileges herein granted and conveyed shall not become effective unless and until WGP shall, in addition to the requirements heretofore mentioned, within thirty (30) days from the time it receives notice that its bid has been accepted for said franchise, file with the City Manager of Hopewell, its written acceptance and maintain a performance bond in the sum of Ten Thousand Dollars (\$10,000.00) with approved security satisfactory to the City Manager guaranteeing that WGP will install and maintain the system provided for herein in good condition throughout the term of this grant and will in all respects comply with the terms, conditions and provisions of this ordinance. The City reserves the right from time to time, whenever in the opinion of the City Council the same may be necessary, to require WGP, its successors or assigns to provide additional security for or increase the amount of said bond.

Waverly Gas Producers, LLC

By: _____

Name: _____

Title: _____

Date Acceptance:

CITY OF HOPEWELL, VIRGINIA

By: _____

Name: Anthony J. Zevgolis

Title: Mayor

Attest:

City Clerk

APPROVED AS TO FORM:

City Attorney

CERTIFICATE BY CLERK OF THE COUNCIL

I, Ann M. Romano, Clerk of the Council of the City of Hopewell, Virginia, and as such the keeper of its official records, do hereby certify that the foregoing document is a true and

correct copy of an ordinance adopted by the Council at its regular meeting on the _____ day of _____, 2002 and approved by Anthony J. Zevgolis, Mayor of the City of Hopewell, Virginia, on the _____ day of _____, 2002.

CITY OF HOPEWELL

Clerk of the Council of the City of
Hopewell, Virginia

PH-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Public Hearing to consider a request to rezone 717 Francis Street from TH-1, Tourist/Historic District to R-1, Residential, Low Density District and to approve an ordinance on first reading to amend the Official Zoning Map of the City of Hopewell.

ISSUE: A request to rezone 717 Francis Street from TH-1, Tourist/Historic District to R-1, Residential, Low Density District.

RECOMMENDATION: The City Administration recommends the approval of a request to rezone 717 Francis Street from TH-1 to R-1, and to approve on first reading an Ordinance to amend the Official Zoning Map of the City of Hopewell.

TIMING: City Council action is requested on December 9, 2014.

BACKGROUND: The owners of 717 Francis Street are requesting to rezone 717 Francis Street, also identified as Sub-Parcel #050-0050 from Th-1, Tourist/Historic District to R-1, Residential, Low Density District. The rezoning of the property from TH-1 to R-1 will also require an ordinance to amend the Official Zoning Map of the City of Hopewell illustrating the rezoning of the property.

FISCAL IMPACT: None.

ENCLOSED DOCUMENTS: Attachment 1: Staff Report
Attachment 2: Rezoning Application
Attachment 3: Maps
Attachment 4: Ordinance Amendment

STAFF: Tevya W. Griffin, Director, Neighborhood Assistance & Planning
Horace W. Wade, III, City Planner

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor K. Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Roosevelt Edwards, Jr., Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Michael C. Bujakowski, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie M. Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine E. Gore, Ward #4			



**Rezoning- TH-1 to R-1
Noah D. & Betty K. Hancock
717 Francis Street**

Staff Report prepared for the Hopewell City Council

*Updates: August 29, 2014, October 6, 2014, &
December 1, 2014*

This report is prepared by the City of Hopewell Department of Development Staff to provide information to the City Council to assist them in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission:	September 4, 2014	Approved
City Council:	December 9 2014	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	R-1, Residential Low Density
Existing Zoning:	TH-1, Tourist/ Historic District
Parcel Size:	29,111 square feet or .66 acres
Parcel ID#	005-0050
Owner:	Noah D. & Betty K. Hancock
Location of Property:	717 Francis Street
Election Ward:	Ward 1
Land Use Plan Recommendation:	Residential
Zoning of Surrounding Property:	North: TH-1 South: R-1 East: TH-1 West: Appomattox River

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Noah D. & Betty K. Hancock to rezone their property located at 717 Francis Street from Th-1, Tourist Historic District to

R-1, Residential, Low Density District. If approved, the Official Zoning Map of the City would be amended to reflect the rezoning of the property. The Hancock's have requested a rezoning from TH-1 to R-1. Their need and justification for this change is found in their rezoning application. They assert that the higher cost of construction under the TH-1 District and because the home is not historic are the reasons for the rezoning request.

IV. APPLICABLE CODE SECTIONS:

- A. The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article XXI, *Amendments*, and include the following:

Article XXI-A, *Initiation*:

"Whenever public necessity, convenience, general welfare or good zoning practice require, City Council may amend, supplement, or change this ordinance, including the schedule of district regulations and the official zoning map. Any such amendment may be initiated by resolution of City Council, by motion of the Planning Commission, or by petition of any property owner addressed to City Council."

Article XXI-B, *Action by Planning Commission*

"In recommending the adoption of any amendment to this ordinance, the Planning Commission shall fully state its reasons for any such recommendations, describing any change in conditions, if any, that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of the City and would be in furtherance of the purpose of this ordinance."

- B. The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article XIV-B, Tourist Historic District and include the following:

Article XIV-B, Tourist Historic District, *Statement of Intent*

"The Tourist/Historic District is intended to create an attractive surrounding to tourist who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To the ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products."

- C. The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article III, Residential, Low Density District and include the following:

Article III, Residential, Low Density District, *Statement of Intent*

“This district is intended as a single family district area with low population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children. To these ends, development is limited to a relatively low concentration and permitted uses are limited to basically to provide homes for the residents plus certain additional uses, such as parks, and other facilities that serve the residents of the district.”

SUBJECT PROPERTY:

The subject property is located on Francis Street at the corner closest to its intersection with Cedar Lane. The subject property is the only parcel zoned Th-1 on Francis Street. The remaining properties are zoned R-1. The subject property is approximately .66 acres or 29,111 square feet. It is located on a 50' bluff that overlooks the Appomattox River.

The single family home located on the property was built in 1958. It is a two-story brick Georgian Revival. It has a hipped roof, 3 bays, and a 1-story entrance porch in the center of the bay. An oval window is located in the central second floor bay. The entrance porch features a wrought iron railing on the roof.

V. STAFF ANALYSIS:

The City Point area was recognized as a State Historic District in 1978 by the Virginia Historic Landmarks Commission (now the Virginia Department of Historic Resources, VDHR). The district was added to the National Register of Historic Places in 1979. Also in November 1979, the Hopewell City Council established a City Point Historic District to preserve and protect certain historically and architecturally significant buildings and places. An historic district is a group of buildings, properties or sites that have been designated as historically or architecturally significant.

In 1983 the City Council of Hopewell created the H-1 zoning district to protect the integrity of City Point Historic District. The zoning district was established to govern

and to protect the assets of the historic district. Without a local zoning designation, there is no monitoring or required maintenance of historic resources. Local zoning districts provide a safeguard against the degradation of national and state historic treasures; whether this is buildings, properties or sites. A locality chooses to implement a local historic zoning district. It is not a requirement even if a national and state historic district is established.

The H-1 Zoning District was established as an overlay district. An overlay district is established by ordinance to prescribe special regulations to be applied to an area or site in combination with the underlying or base zoning district. The base zoning district of the City Point Historic District was the R-1 Zoning District. This means that properties in the City Point Historic District had two zoning districts, the R-1 District and the H-1 District. This is not uncommon to zoning especially in areas where a governing body sees the need to protect or improve certain assets. In instances where an overlay district is established, property owners must follow both zoning district provisions. If provisions overlap, the most stringent provisions must be followed.

In October of 1995, the Architectural Review Board requested that a Tourist District (T-1) Zoning District be established. The T-1 District would become the base or underlying zoning district, instead of the R-1 District, and the Historic (H-1) District would act as an overlay district. This recommendation did not include amendments to the Official Zoning Map (district boundaries would remain the same) however, use types and protective maintenance were added as provisions to the Zoning Ordinance. In 1997 the City Council of Hopewell approved the combination of the Tourist District (T-1) with the Historic (H-1) District to create the current Tourist Historic District (TH-1).

Based on Staff's research of the subject property, 717 Francis Street is not listed on the National Register of Historic Places Inventory- Nomination Form which established the City Point Historic District in 1978. The property was included in the local Historic District (H-1) in 1983. It is believed the subject property was added because of its proximity to the National Park Service property.

It is concluded then, that at the time of the national and state nomination of the City Point Historic District, this property and/or house was not considered of such architecturally or historical significance to be added to the district. However in 1983, through a public hearing process, the City Council approved the local boundaries, removing buildings/properties off of Maplewood Avenue out of the local district that were in the national historic district, and adding the subject property that was not in the national historic district to the local historic district.

VI. STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request for the following reasons.

In a rezoning, Staff's responsibility is to determine if a rezoning would create incompatible land uses, undermine the intent of the current and requested zoning district, or result in spot zoning.

In 1983 the base zoning district for the subject property was R-1, Residential, Low Density. The request to essentially return to the base zoning district would not create incompatible land uses or adversely affect the R-1 Zoning District. Single family detached homes are allowed in the R-1 district. The parcel meets all square footage, and lot width requirements for the R-1 District. Furthermore, the home meets all setback requirements.

Because the property in question was never listed in the National Register of Historic Places which established the City Point Historic District, Staff concludes that the property was not deemed of such historical or architectural significance to be in the district. Moreover, even at the time of the local historic designation the home was 20 years old; not 50 or over which is the minimum age to place a structure on the national register. In fact, several of the homes on Francis Street were built in the early 1920's but were not included in the local historic district. The exact reason for adding the home in the local district is not apparent when searching City records. The previous owner of the home and a past member of the first established ARB recall's it being added because it was adjacent to the National Park Service property.

Staff is concerned about this recommendation of approval being viewed as setting precedence for a ripple effect of property owners requesting to rezone from TH-1 to R-1. However, this property was never a part of the national designation. Certainly, the addition to the local historic district in 1983 should not be minimized. However, the inclusion of the property into the district did not seem to be based on historical significance. Moreover, its addition to the H-1 district did not help to fulfill the goal or intent of the district.

Spot zoning occurs when a small area of land or section in an existing neighborhood is singled out and placed in a different zone from that of neighboring property. On the rear and the corner side yard of the property, adjacent parcels are zoned TH-1. On the interior side, the adjacent property is zoned R-1. For this reason, the rezoning of the property from TH-1 to R-1 would not result in spot zoning. The subject property would simply take on the zoning district as that of the adjacent property.

VIII. PLANNING COMMISSION RECOMMENDATION:

At their September 4, 2014 meeting, the Hopewell Planning Commission recommended *approval*, with a vote of 5 to 0 to rezone 717 Francis Street as requested by the owners, Noah D. & Betty K. Hancock, from Th-1, Tourist/Historic District to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City of Hopewell, VA.

IX. CITY COUNCIL RESOLUTION:

The Hopewell City Council recommends *approval, approval with conditions, tabling or denial* with a vote of _____ - _____ to rezone 717 Francis Street as requested by the owners, Noah D. & Betty K. Hancock, from Th-1, Tourist/Historic District to R-1, Residential, Low Density District, and to amend the Official Zoning Map of the City of Hopewell, VA.

Attachments:

1. Rezoning Application
2. Map of the General Area of Proposal
3. Zoning Map
4. National Register of Historic Places Inventory- 1979 Map
5. Current District Map (1997- present)

RECEIVED
JUL 09 2014



The City
of
Hopewell, Virginia

Department of Development

300 N. Main Street · Department of Development · (804) 541-2220 · Fax: (804) 541-2318

APPLICATION FOR REZONING

APPLICATION FEE: \$300

APPLICANT: NOAH D. HANCOCK
ADDRESS: 717 FRANCIS STREET
Hopewell, VA 23860

PHONE #: 1-804-520-8857 FAX #: _____

INTEREST IN PROPERTY: OWNER OR AGENT

IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.

OWNER: NOAH D. HANCOCK
ADDRESS: 717 FRANCIS STREET
Hopewell, VA 23860

PHONE #: 1-804-520-8857 FAX #: _____

PROPERTY ADDRESS / LOCATION: SAME AS ABOVE

LEGAL DESCRIPTION: LOT 8 B1K3 APPOMATTOX

PARCEL # 05-0050 ACREAGE: 0.67 ACRES

PRESENT ZONING DISTRICT: TH-1

REQUESTED ZONING DISTRICT: R-1
PRESENT USE OF PROPERTY: PRIVATE RESIDENCE

IT IS PROPOSED THAT THE FOLLOWING BUILDINGS WILL BE CONSTRUCTED:
CAR PORT

NEED AND JUSTIFICATION FOR THE CHANGE IN CLASSIFICATION:
COST OF CONSTRUCTION HIGHER FOR
PRESENT ZONING & HOME IS NOT
HISTORIC.

ANTICIPATED EFFECT OF THE PROPOSED CHANGE (IF ANY) ON PUBLIC SERVICES AND FACILITIES:

NONE

APPROPRIATENESS OF THE PROPERTY FOR THE PROPOSED CHANGES, AS IT RELATES TO THE INTENT OF THE ZONING DISTRICT DESIRED:

Single Family Dwelling, Less than 13000 sq ft lot

WAY IN WHICH THE PROPOSED CHANGE WILL FURTHER THE PURPOSES OF THE ZONING ORDINANCE AND GENERAL WELFARE OF THE COMMUNITY:

NONE

COMMENTS FROM APPLICANT / OWNER:

*** ATTACH A COPY OF A SURVEY BY A LICENSED SURVEYOR OF THE PROPERTY

A PROFFER STATEMENT IS ATTACHED Y N

AS OWNER OF THIS PROPERTY OR THE AUTHORIZED AGENT THEREFOR, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Mark D. Hancock
APPLICANT SIGNATURE

7-9-14

DATE

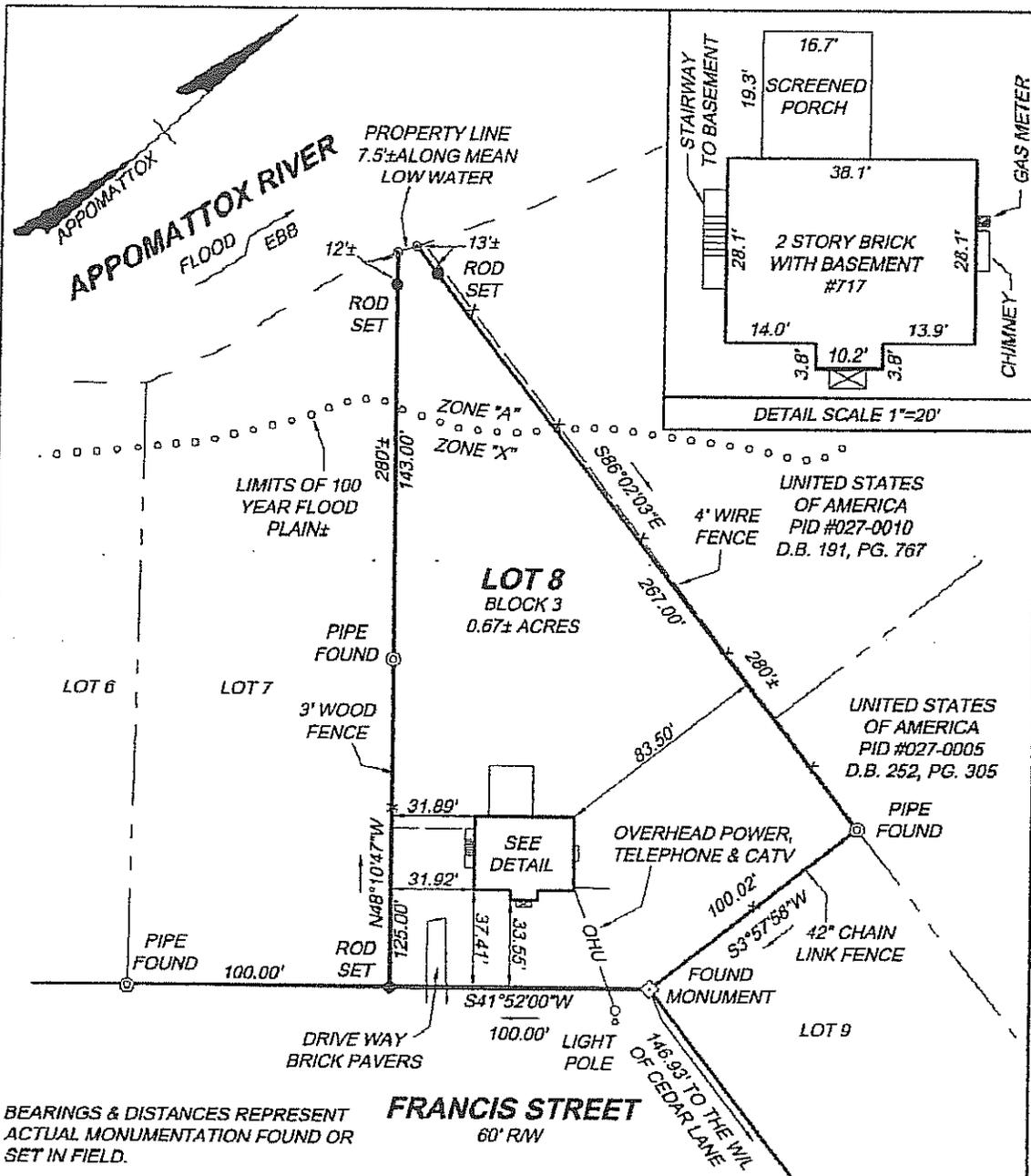
OFFICIAL USE ONLY

DATE RECEIVED: _____ DATE OF FINAL ACTION: _____

ACTION TAKEN:

_____ APPROVED _____ DENIED

_____ APPROVED WITH THE FOLLOWING CONDITIONS/ PROFFERS:



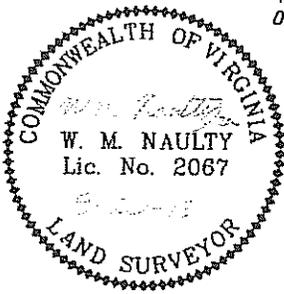
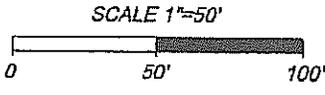
BEARINGS & DISTANCES REPRESENT ACTUAL MONUMENTATION FOUND OR SET IN FIELD.

FRANCIS STREET
60' RW

Based on graphic determination this property is in zone "X&A" of the HUD defined flood hazard area as shown on F.E.M.A. Flood Insurance Rate Map, Community Panel #5100800009C dated June 16, 2011.

This is to certify that on 8-21-13 to the best of my professional knowledge and belief; I made an accurate field survey of the premises shown hereon, that all improvements known or visible are shown hereon; that there are no visible encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than as shown hereon.

This survey was prepared without the benefit of a title binder and may therefore not show all existing easements or other pertinent facts which may affect the property.



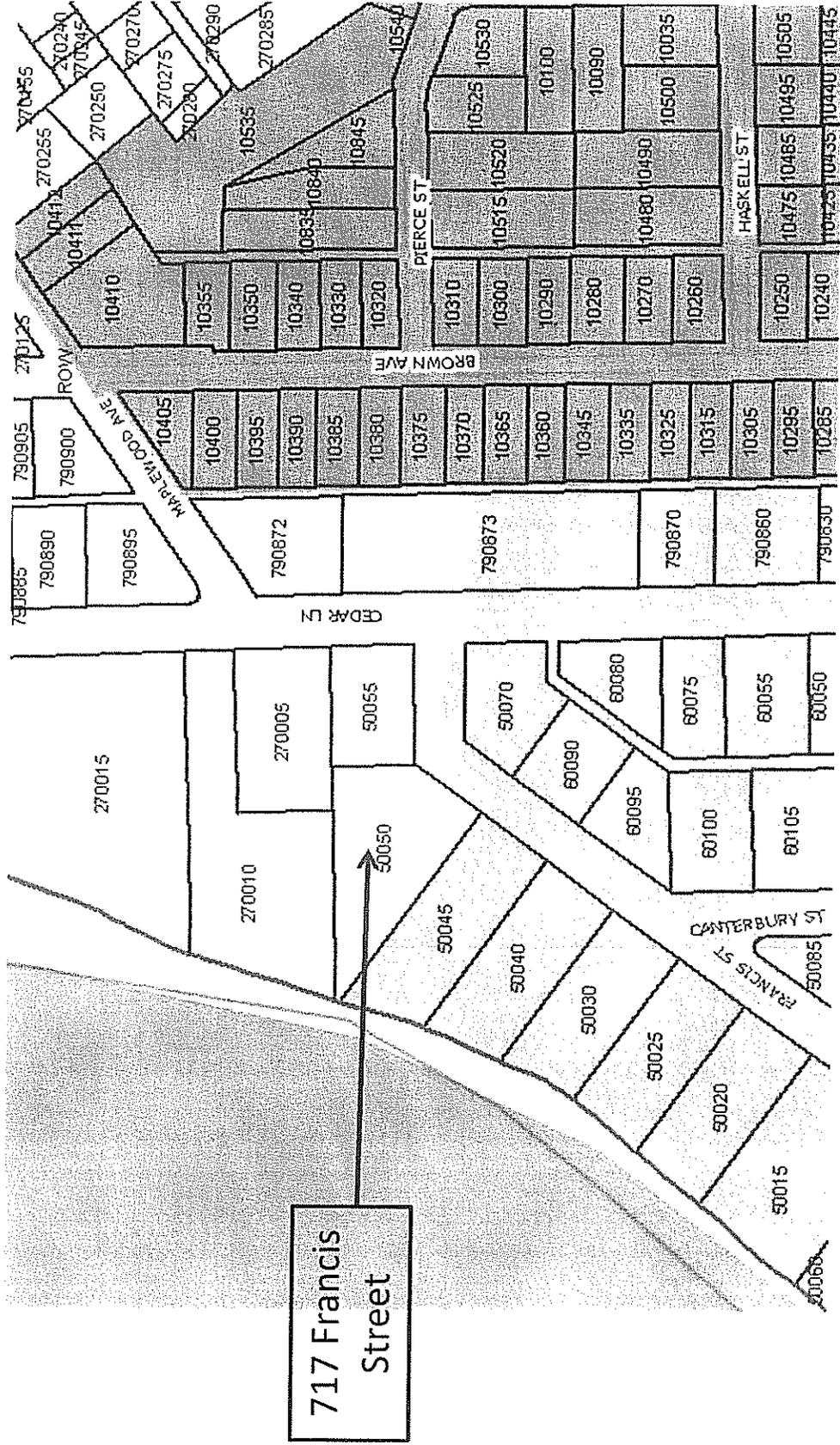
PLAT SHOWING A PHYSICAL SURVEY OF LOT 8, BLOCK 3 APPOMATTOX HOPEWELL, VIRGINIA

THIS DRAWING PREPARED AT THE TRI-CITIES OFFICE 4701 Dwens Way, Suite 900 Prince George, VA 23875 TEL 804.541.6600 FAX 804.458.1511 www.timmons.com	YOUR VISION ACHIEVED THROUGH OURS.	Date: August 26, 2013	Scale: 1"=50'
		Sheet 1 of 1	J.N.: 34556-903
		Drawn by: JNL	Checked by: KLS

TIMMONS GROUP



717 Francis Street- Zoning Map

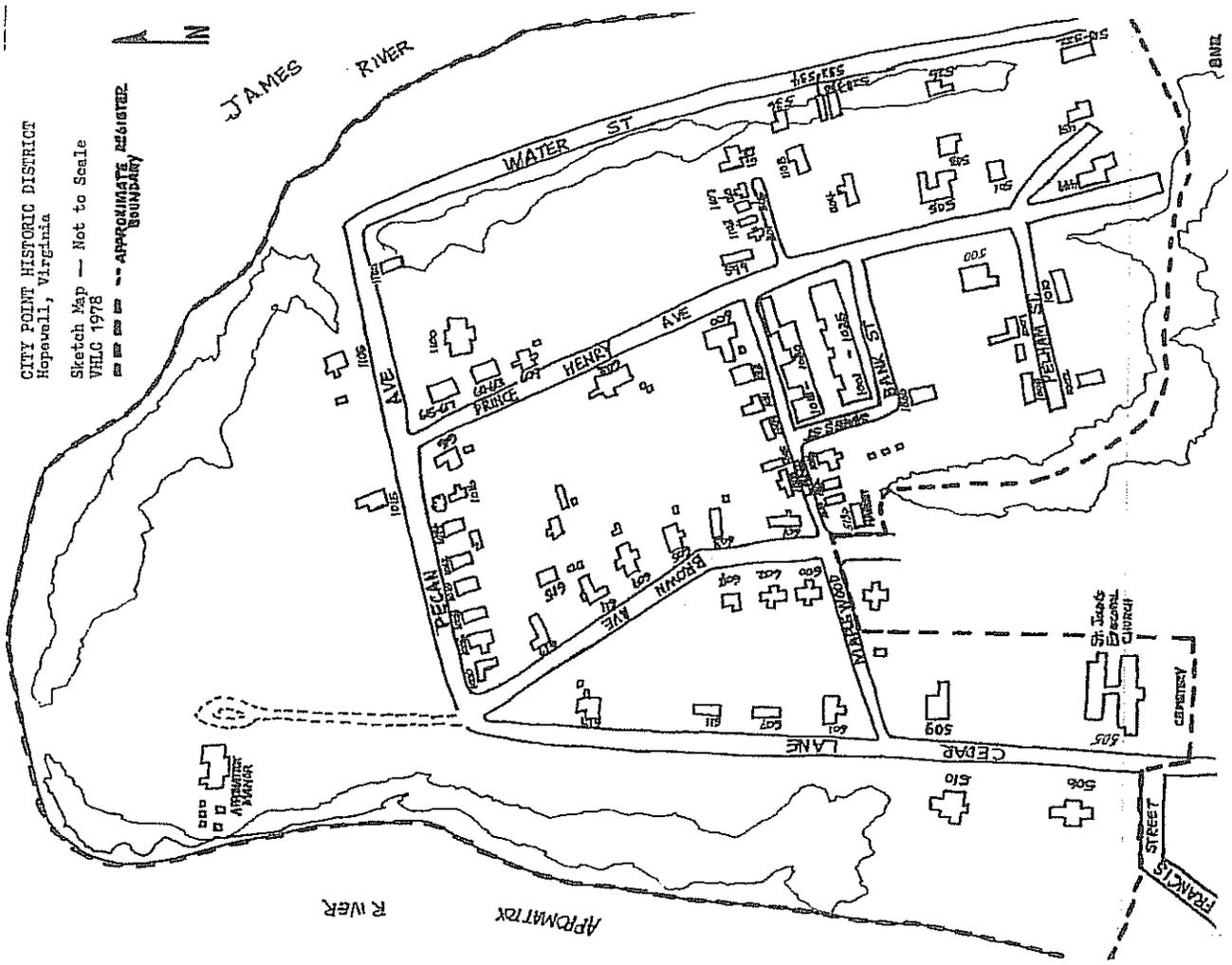


TH-1 R-1 R-2

CITY POINT HISTORIC DISTRICT
Hopewell, Virginia

Sketch Map -- Not to Scale
VHLC 1978

--- APPROXIMATE BOUNDARY



JAMES RIVER

WATER ST

AVE

PECAN

PRINCE

HENRY

AVE

BANK ST

LANE

CEEDAR

FRANK'S STREET

St. James
Episcopal
Church

CEMETERY



ORDINANCE 2014-XX

An Ordinance amending the Zoning Map of the City of Hopewell to rezone the property known as 717 Francis Street, Tax Parcel No. 005-0050 from TH-1, Tourist/Historic District, to R-1, Residential, Low Density District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Official Zoning Map of the City of Hopewell is amended and reenacted as follows:

That, as shown on the attached map, incorporated into, and made a part of this ordinance, the following property, with tax parcel number as shown in the 2013 records of the City Assessor's Office, are excluded from the TH-1 District, Tourist/Historic District, and shall no longer be subject to the provisions of Article XIV-B of the City of Hopewell Zoning Ordinance, as amended, and that the same are included in the R-1, Residential, Low Density District, and shall be subject to the provisions of Article III of the City of Hopewell Zoning Ordinance and all other applicable provisions of the City of Hopewell Zoning Ordinance, as amended:

Tax Parcel # 005-0050

In accordance with Section 7, Effective date of ordinances and resolutions; emergency measures, of Chapter 4 of the City Charter, this ordinance, on second reading, shall become effective immediately upon its passage as an emergency measure on the date of its adoption by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

Ordinance # 2014-XX- Rezoning of Tax Parcel #005-0050 from TH-1 to R-1



717 Francis Street

PH-3



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Public Hearing to consider an ordinance to grant exemption from Real Estate Taxation to the Hopewell Recreation Foundation granting the tax exemption immediately upon passage and granting exemption to include the first and second half of 2014 real property taxes.

ISSUE: Pursuant to the Code of Virginia, Section 58.1-3651, a non-profit organization seeking real estate tax exemption may be granted such exemption by an ordinance adopted by the local governing body.

RECOMMENDATION: The City Administration recommends conducting the public hearing to receive public comment. The City Administration recommends City Council grant tax exemption to the Hopewell Recreation Foundation from Real Estate Taxation immediately upon passage and to grant exemption to include the first and second half of 2014 real property taxes.

TIMING: City Council action is requested on December 9, 2014.

BACKGROUND: Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

SUMMARY:

- | Y | N | | Y | N | |
|--------------------------|--------------------------|--|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor K. Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Roosevelt Edwards, Jr., Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Michael C. Bujakowski, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jackie M. Shomak, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4 | | | |

FISCAL IMPACT: None

ENCLOSED DOCUMENTS: Attachment 1: Proposed Ordinance

STAFF: David C. Fratarcangelo, City Attorney
Tevya W. Griffin, Director, Neighborhood Assistance & Planning

SUMMARY:

Y N

- Councilor Christina J. Luman-Bailey, Ward #1
- Councilor Roosevelt Edwards, Jr., Ward #2
- Mayor Michael C. Bujakowski, Ward #3
- Councilor Jasmine E. Gore, Ward #4

Y N

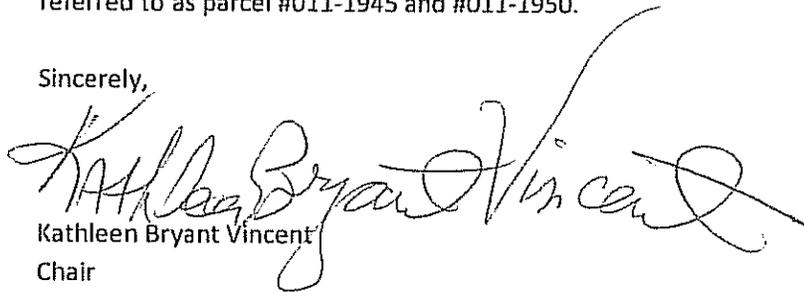
- Councilor K. Wayne Walton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Councilor Jackie M. Shornak, Ward #7

November 5, 2014

To Whom it May Concern:

The Foundation of the Hopewell Recreation and Parks Department is requesting a public hearing for tax exemption of the conveyance of the property known as 200 Buren Street, Hopewell, VA 23860; also referred to as parcel #011-1945 and #011-1950.

Sincerely,

A handwritten signature in black ink, reading "Kathleen Bryant Vincent". The signature is written in a cursive style with a large, sweeping flourish at the end.

Kathleen Bryant Vincent

Chair

The Foundation of the Hopewell Recreation and Parks Department

ORDINANCE 2014-XX

An Ordinance to grant exemption from Real Estate Taxation to the Hopewell Recreation Foundation granting the tax exemption immediately upon passage and granting exemption to include the first and second half of 2014 real property taxes.

WHEREAS, the Council of the City of Hopewell, Virginia, has received an application on behalf of the Hopewell Recreation Foundation for exemption from local real estate taxation pursuant Virginia Code § 58.1-3651 for property owned by it, to wit: 200 Buren Street, Lot 17, Block 47, B Village and 0.52 Acres, Block 97, B Village, Hopewell, Virginia, Parcel IDs #011-1945 and 011-0050.

WHEREAS, Council has caused to be published once in a newspaper of general circulation in the City a notice of public hearing to be held to consider this ordinance, which hearing was held on _____, 2014, and which notice was published on _____ 2014; and

WHEREAS, the Hopewell Recreation Foundation is currently exempt from Federal income taxation pursuant to Section 501 (c) of the Internal Revenue Code of 1954; and

WHEREAS, a current annual alcoholic beverage license for serving alcoholic beverages has not been issued by the Virginia Alcoholic Beverage Control Board to the Hopewell Recreation Foundation for use on the property which is the subject of the application; and

WHEREAS, no director, officer, or employee of the Hopewell Recreation Foundation is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services of which such director, officer, or employee actually renders; and

WHEREAS, no part of the net earnings of the Hopewell Recreation Foundation inures to the benefit of any individual, other than to fund the employment of necessary and appropriate staff; the foundation receives funding from donations and contributions; and

WHEREAS, the Hopewell Recreation Foundation provides services for the common good of the public; and

WHEREAS, no substantial part of the activities of the Hopewell Recreation Foundation involve carrying on propaganda, or otherwise attempting to influence legislation; and the Hopewell Recreation Foundation does not participate in, or intervene in, any political campaign on behalf of any candidate for public office; and

WHEREAS, the Hopewell Recreation Foundation does not have any rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and

WHEREAS, the revenue impact to the City of Hopewell and its taxpayers by exempting the property will not be significant; and

WHEREAS, the City Council of the City of Hopewell has examined and considered all of the items contained in Va. Code § 58.1-3651; and

WHEREAS, the assessed value of the property which is the subject of this application is \$113,200 and the property tax on such property for 2014 was \$1,090.02.

NOW, THEREFORE, pursuant to the authority vested in it by Va. Code § 58.1-3651, the Council does hereby grant exemption from real estate taxation to the Hopewell Recreation Foundation for the property identified as 200 Buren Street, Lot 17, Block 47, B Village and 0.52 Acres, Block 97, B Village, Hopewell, Virginia, Parcel IDs #011-1945 and 011-0050. This exemption is based on, and contingent on, the continued charitable use of the subject property. The exemption shall become effective immediately upon passage of this ordinance on second and final reading, granting exemption from real property taxation including exemption of the first and second half of 2014 real property taxes, and shall operate to prospectively grant real estate taxation exemption for the Hopewell Recreation Foundation for the subject property until such exemption is revoked or is otherwise forfeited by law. In accordance with law, the Hopewell Recreation Foundation shall reimburse the City for the cost of the advertisement of the public hearing on the application for tax exemption.

This ordinance 2014-XX shall become effective immediately upon passage on one and only reading, as an emergency measure, dispensing with a second reading.

I, Cynthia Y. Ames, City Clerk of the City of Hopewell, Virginia, do certify the foregoing is a true and correct ordinance adopted by Hopewell City Council at its meeting held on December 9, 2014.

Given under my hand and the Corporate Seal of the City of Hopewell, Virginia this ____ day of December 2014.

SEAL

City Clerk

COMMUNICATIONS
FROM
CITIZENS