PUBLIC HEARINGS ANNOUNCEMENTS

3.24.15

Budget Fiscal Year 2015-2016

ROUTINE APPROVAL OF WORK SESSIONS

3.17.2014

ROUTINE APPROVAL OF WORK SESSIONS

3.17.2014

BOARDS AND COMMISSIONS

ORDINANCES ON SECOND AND FINAL READING

None

ROUTINE GRANT APPROVAL

None

PROCLAMATIONS
RESOLUTIONS
PRESENTATIONS

PUBLIC HEARINGS

PH-1

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 amendment to Chapter 19, Article IV (Vacant Building Registration Program) of the Code of the City of Hopewell.

ISSUE: Improvement of appearance of the City to increase community pride and attract businesses, tourists, and residents.

RECOMMENDATION: City Administration recommends the amendment and reenactment of Chapter 19, Article IV (Vacant Building Registration Program) of the Code of the City of Hopewell

TIMING: City Council action is requested on March 10, 2015

BACKGROUND: The purpose of this article is to keep an inventory of buildings in the City that might endanger the public's health, safety or welfare. The Vacant Building Registration Program is hereby established to ensure that owners of vacant properties are known to the city and other interested parties and can be reached if necessary; to ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations; and to ensure that owners meet minimum standards of maintenance of vacant properties.

FISCAL IMPACT: None

ENCLOSED DOCUMENTS: Attachment 1: Proposed Ordinance

STAFF: Thomas E. Lacheney, City Attorney
Tevya W. Griffin, Director, Neighborhood Assistance & Planning

SUMMARY:

Y	N	
☐	☐	Vice Mayor Christina J. Luman-Bailey, Ward #1
☐	☐	Councilor Arlene Holloway, Ward #2
☐	☐	Councilor Anthony J. Zevgolis, Ward #3
☐	☐	Councilor Jasmine E. Gore, Ward #4
☐	☐	Councilor K. Wayne Walton, Ward #5
☐	☐	Mayor Brenda Pelham, Ward #6
☐	☐	Councilor Jackie M. Shornak, Ward #7

ORDINANCE 2015-XX

An Ordinance amending and reenacting Chapter 19, Article IV (Vacant Building Registration Program) of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Chapter 19, Article IV (Vacant Building Registration Program) of the Code of the City of Hopewell is amended and reenacted as follows:

Chapter 19 HOUSING CODE*

ARTICLE IV. ~~RESERVED~~ VACANT BUILDING REGISTRATION PROGRAM

DIVISION 1. GENERALLY

DRAFT

Purpose

The purpose of this article is to keep an inventory of buildings in the City that might endanger the public's health, safety or welfare. The Vacant Building Registration Program is hereby established to ensure that owners of vacant properties are known to the city and other interested parties and can be reached if necessary; to ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations; and to ensure that owners meet minimum standards of maintenance of vacant properties.

This ordinance is written in accordance with the Code of Virginia 15.2-1127, which gives a city the authority, by ordinance, to require property owners register certain vacant buildings with the Building Official.

Registration Requirements

The owner of a building which has been continuously vacant for a period of 12 months or more and which meet the definition of "derelict building" under the Code of Virginia § 15.2-907.1, must register such buildings on an annual basis with the building code official. This ordinance applies to all vacant buildings, residential or non-residential.

A derelict building is defined as follows: a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

To register a building, the owner or the owner's agent for the building, shall provide the information to the building official on the forms designated by the Building Official and filed with the Department of Development. The owner must provide the following information:

1. The address of the vacant building;

2. The name, address, and active telephone number of the owner and the owner's agent;

3. A detailed statement which estimates how long the building is likely to remain vacant, and the reasons for it remaining vacant during that period;

4. A description of the measures that will be taken while the building is vacant to ensure that the property is maintained in compliance with all applicable building, health and property maintenance codes;

5. Proof that the owner or agent has implemented an on-going rodent abatement and preventions plan for the interior and exterior of the building; and

6. If the building is located in an historic district pursuant to Article IX, Downtown Central Business District and/or Article XIV-B, Tourist/Historic District, of the Hopewell Zoning Ordinance, as amended, or in any conservation, rehabilitation, or slum blight district established by City Council, a description of the measures that will be taken to ensure that the building does not sustain significant structural damage due to neglect must be provided. Buildings located in the Tourist Historic District must meet the moth balling requirements outlined in the City Point National Historic District Handbook and Guidelines Manual.

Annual Registration Fee

The building owner or the owner's agent shall pay an annual registration fee of $100.00. The fee shall be paid at the time that the building is initially registered. For each subsequent year, or any part of such year, that the building remains continuously vacant, an annual and non-refundable fee of $75.00 shall be paid within 15 days of the anniversary date of the building's initial registration.

Violations and Penalties

Failure to register shall result in a two hundred dollar ($200.00) civil penalty or in a two hundred fifty dollar ($250.00) civil penalty if the property is located in an historic district, a conservation or redevelopment area or in a designated blighted area. Upon re-occupancy, the owner shall notify the Department of Development in writing.

The building official shall mail to the owner of a registered vacant building notice of the upcoming anniversary of the initial registration date and of the need to renew the registration of the building if it remains vacant. The notice shall warn the owner that a civil penalty will be imposed pursuant to this section if the owner fails to renew the registration within 15 days of the anniversary of the building's initial registration.

Notice of the imposition of the a civil penalty pursuant to this section shall be mailed to the owner, at the address to which property tax notices are sent, at least 30 days prior to the imposition of the penalty.

(Ord. No. 2015-__, adopted _____, __, 2015, amended and reenacted Ch. 19, art. IV)

DRAFT

PH-2

CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:	Order of Business:	Action:
☐ Civic Engagement	☐ Consent Agenda	☐ Approve and File
☐ Culture & Recreation	☒ Public Hearing	☒ Take Appropriate Action
☐ Economic Development	☐ Presentation-Boards/Commissions	☐ Receive & File (no motion required)
☐ Education	☐ Unfinished Business	☐ Approve Ordinance 1st Reading
☒ Housing	☐ Citizen/Councilor Request	☐ Approve Ordinance 2nd Reading
☐ Safe & Healthy Environment	☐ Regular Business	☐ Set a Public Hearing
☐ None (Does not apply)	☐ Reports of Council Committees	☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Public Hearing to consider an amendment to Article I, Definitions, of the Hopewell Zoning Ordinance.

ISSUE: Article I, Definitions, of the City's Zoning Ordinance must be amended to be in accordance with new legislation enacted by the 2014 General Assembly in regards to group housing and residential care homes.

RECOMMENDATION: City Administration recommends the amendment and reenactment of Article I, Definitions, of the Hopewell Zoning Ordinance to add a residential care home as a definition.

TIMING: City Council action is requested on March 10, 2015

BACKGROUND: During the 2014 General Assembly session, several bills were passed that required action to be taken on the part of local governments. House Bill 527, Group Home Zoning Ordinances, requires the City to add a definition for residential care home in order to meet Code of Virginia standards.

FISCAL IMPACT: None

ENCLOSED DOCUMENTS: Attachment 1: Proposed Ordinance

STAFF: Thomas E. Lacheney, City Attorney
Tevya W. Griffin, Director, Neighborhood Assistance & Planning

SUMMARY:

Y	N		Y	N	
☐	☐	Vice Mayor Christina J. Luman-Bailey, Ward #1	☐	☐	Councilor K. Wayne Walton, Ward #5
☐	☐	Councilor Arlene Holloway, Ward #2	☐	☐	Mayor Brenda Pelham, Ward #6
☐	☐	Councilor Anthony J. Zevgolis, Ward #3	☐	☐	Councilor Jackie M. Shornak, Ward #7
☐	☐	Councilor Jasmine E. Gore, Ward #4			

ORDINANCE NO. 2015 -XX

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Zoning Ordinance of the City of Hopewell is amended to read as follows:

ARTICLE I.
DEFINITIONS

A. GENERAL USAGE:

For the purpose of this ordinance, certain words and terms are herein defined as follows:

1. Words used in the present tense include the future tense; words used in the singular number include the plural number; and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.
2. The word "shall" is mandatory; "may" is permissive.
3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcel".
5. The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".
6. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
7. The word "State" means the Commonwealth of Virginia.
8. The word "City" means the City of Hopewell, Virginia.
9. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. DEFINITIONS:

1. ABANDONED SIGN(S): A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive for period of ninety (90) consecutive days or longer; and/or a sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.
2. ABUTTING/ADJACENT PROPERTY: Property that touches or is directly across a street, private street or access easement, or right-of-way (other than a free way or principal arterial) from the subject property.

3. ACCESSORY USE: A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided on the same premises. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory building.

4. ACCOUNTING SERVICES: A business office that provides financial counseling, tax preparation, bookkeeping, financial planning services, and any similar service to the public. This shall not include gambling, betting or gaming services.

5. ACRE, GROSS: A measure of land equating to 43,560 square feet.

6. ACRE, NET: That part of the 43,560 square feet which exists after deducting land dedicated or conveyed for any public facility, easement or any right-of-way for any proposed streets or street widening.

7. ACREAGE: A parcel of land, regardless of area, described by metes and bounds and which is not a numbered lot or any recorded subdivision plat.

8. ADMINISTRATOR, THE: The official charged with the enforcement of this zoning ordinance.

9. ADULT BOOKSTORE: An establishment having as more than 25 percent of its stock and grade in books, films, videocassettes (whether for viewing off premises or on premises) or magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities and/or male or female anatomical areas.

10. ADULT CABARET: A cabaret that features seminude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

11. ADULT ENTERTAINMENT: Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of specific male or female anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or similar entertainment service offered customers.

12. ADULT MOTION PICTURE THEATER: An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specific male or female anatomical areas for observation by patrons therein.

13. ADVERTISING & PUBLIC RELATIONS AGENCIES: A business office that provides expertise in marketing to include but not be limited to advertising, public relations, and public speaking

14. AGRICULTURAL ANIMALS: Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including

horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.

15. AGRICULTURE: The tilling of the soil, the raising of crops, the practicing of horticulture, forestry and gardening, including the keeping of animals and fowl.

16. AIRPORT: A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived.

17. ALLEY: A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.

18. ALTERATIONS, STRUCTURAL: Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those of fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.

19. AMUSEMENT ENTERPRISE: A building or structure used to provide or stage public entertainment for which a charge is imposed in the form of an entrance fee or separate fees for the use of amusement devices therein.

20. ANTENNAS: TV dish antenna in excess of three (3) feet in diameter and/or more than 54 inches in height, antenna tower, microwave antenna. A receiving or transmitting antenna for private, public, commercial or industrial use which for all practical purposes is considered an accessory structure as pertains to the Zoning Ordinance. Requires a Building Permit.

21. ANIMAL SHELTER: Any facility designated by the City of Hopewell for the purpose of impounding and caring for cats and dogs found running at large or otherwise subject to impoundment in accordance with the provision found in the City Code

22. ANTIQUE STORE: A premises used for the sale or trading of articles of which 80% or more are over 50 years old or have collectable value. An antique for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past as defined above. An antique store does not include a thrift store, a second hand store or a consignment store. All articles for sale shall be within a fully enclosed building, not unless otherwise authorized in the ordinance.

23. APARTMENTS: One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.

24. APPLIANCE STORES: A store that sells equipment used for domestic functions, included but not limited to, televisions, washers, dryers, refrigerators, and stoves/ovens, and dishwashers, and other appliances not easily carried without assistance

25. APPLICANT: A property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.

26. ARCHITECT: A person who, by reason of his/her knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the State regulatory board.

27. ARCHITECTURAL TREATMENT: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material, and the type, design, and character of all windows, doors, and appurtenant elements.

28. ART GALLERIES, FRAMING & SUPPLIES: An establishment engaged in the sale, loan or display of art; paintings, sculptures, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.

29. ASSEMBLY PLANT: A structure used for the fitting together of parts or components to form a complete unit.

30. ASSISTED LIVING FACILITY: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

31. AUTOMOBILE AND TRUCK SALES AND SERVICE ESTABLISHMENTS: The use of any building or land area, for the display, sale, or lease of new or used automobiles, panel trucks or vans and including any warranty repair work and other repair services conducted as an accessory use.

32. AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather upon which there are more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative.

33. AUTOMOBILE RENTAL AGENCIES: Rental of automobiles, light trucks , and vans, including incidental parking of vehicles for rent or lease.

34. AUTOMOBILE REPAIR: The use of a site for the repair of automobiles, noncommercial trucks, motorcycles. This includes muffler shops, wheel and brake shops, oil change and lubrication, tire service and sales, installation of CB radios, car alarms, stereo equipment, or cellular telephones. This does not include body and fender shops, paint and welding services.

35. BAKERY: An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site . Such use may include incidental food service.

36. BARBER SHOP: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers as established by the State Board.

37. BEAUTY PARLOR: Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. It may include the training of apprentices under regulations of the State Board.

38. BED & BREAKFAST: A private, owner-occupied business with four to six rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business.

39. BERM: A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, provide visual interest on a site, screen undesirable views, reduce noise or to control the direction of surface water flow.

40. BIG BOX RETAIL: A singular retail or wholesale- user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

41. BLACKSMITH SHOP: A building usually equipped with a forge, used for the shaping and repair of iron and other metals.

42. BOARD OF ARCHITECTURAL REVIEW: A board authorized and appointed by the Hopewell City Council. The purpose of the Board is to study proposals and grant Certificates of Appropriateness for the erection, construction, alternation, restoration, demolition or removal of any structure within the City Point Historic District. It may also investigate and provide recommendations regarding other buildings, structures, places, or areas in the City having historic interest or value.

43. BOARD OF ZONING APPEALS: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

44. BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen persons.

45. BOAT DOCK, PRIVATE: A dock or wharf for private use to which a boat house or other structure is not attached.

46. BOAT HOUSE: A structure for not more than five (5) boats, designed and intended for use by boat owners in the general neighborhood, but with no commercial facilities.

47. BOOKSTORE: A retail establishment that, as its primary business, engages in the sale , rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videos, music compact discs, computer software, or any other printed or electronically conveyed information or media, excluding "adult bookstore", "adult theater" or any other sexually oriented business.

48. BUILDING: A structure having one (1) or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

49. BUILDING CAPACITY: The seating capacity of a structure or the total number of employees for which the structure was designed shall be the maximum which can be accommodated on the premises.

50. BUILDING INSPECTOR: An appointed official of the City of Hopewell, Virginia, who is responsible for certifying building inspections.

51. BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

52. BUILDING PERMIT: A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.

53. BUIDLING OFFICIAL: The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in the City of Hopewell.

54. BUILDING SITE: A piece of land consisting of the minimum areas of required square footage of the zoning district where it is located where a permitted use or structure may be placed.

55. BULK STORAGE: A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, etc. usually stored in large quantities.

56. CAMERA AND PHOTO SUPPLY STORE: A facility primarily engaged in the retail, sale, lease, and service of photography equipment and supplies, including on-site processing or development.

57. CAMPER: A rigid dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway whether towed, self-propelled, or carried upon another vehicle; and which is not susceptible to permanent human habitation and which lacks permanent cooking, toilet or bathing facilities.

58. CAMPGROUND: An area upon which are located sites for two (2) or more trailers, campers and other camping facilities for seasonal or temporary recreational occupancy.

59. CAMPING TRAILER: A vehicular, portable structure mounted on wheels; constructed with collapsible, partial sidewalls of fabric, plastic or other pliable materials for folding compactly while being transported.

60. CANNERY: A structure used for the processing and canning of foods.

61. CAR WASH: A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete

automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices operated on a self-service basis shall be construed to be the same.

62. CARPORT: A roofed space having one (1) or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front yard. A carport cannot be used as storage.

63. CASUAL AND FORMAL APPAREL STORES: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

64. CELLAR: The portion of a building partly underground, which has one-half (1/2) or more of its clear height below the average grade of the adjoining ground.

65. CERTIFICATE OF APPROPRIATNESS: A permit issued by the Board of Architectural Review granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of contributing site, contributing structure, landmark, noncontributing structure, or noncontributing site in an historic district.

66. CERTIFICATE OF OCCUPANCY: A document issued by the Building Official allowing the occupancy or use of a structure and certifying that the structure and /or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.

67. CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

68. CIRCUIT COURT: The circuit court for the City of Hopewell, Virginia.

69. CLUB, PRIVATE: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

70. CLUSTER DEVELOPMENT: A type of development that allows the reduction of lot sizes below the zoning ordinances minimum requirements if the land thereby gained is preserved as a permanent open space for the community.

71. COFFEE SHOP: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

72. COMMERCIAL: Any wholesale, retail or service business activity established to carry on trade for a profit.

73. COMMERCIAL BANKS AND FINANCIAL INSTITUTIONS: A financial institution that is open to the public and engaged in fiduciary activities such as making loans, investments, deposit banking and is regulated by the Federal

Deposit Insurance Corporation (FIDC)/federal. This shall not include pay day loan centers.

74. COMMISSION, THE: The Planning Commission of Hopewell, Virginia.

75. COMMON OPEN SPACE: All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designed portion of the planned development and not dedicated as public lands.

76. COMMUNITY GARDENS: A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

77. COMPREHENSIVE PLAN: The Comprehensive Plan for Hopewell, Virginia.

78. COMPUTER SALES AND SERVICE: An establishment engaged in the sale, and repair of computers, lap tops, and their accessory parts such as, but not limited to, adapters, monitors, computer bags.

79. CONDITIONAL USE: A use which, by its nature, can have undue impact upon or be incompatible with other uses of land within a given zoning district. These uses which are described in this ordinance may be allowed to locate within a given designated district under the controls, limitations and regulations of a Conditional Use Permit.

80. CONDITIONAL USE PERMIT: A permit issued by the City Council for a use allowed as a conditional use in a designated district after evaluation of the impact and comparability of such use; said permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will insure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.

81. CONCRETE WORKS: A structure or area used for the manufacture of concrete and concrete products.

82. CONDOMINIUM: Ownership of single units of a multiple-unit structure with common elements.

83. CONSIGNMENT SHOP: An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.

84. CONVENIENCE STORE: A single store with a floor area of four thousand (4,000) square feet, or less, which offers for sale general merchandise needed as a means of convenience to persons living or working nearby or persons passing by. Gasoline and oil may also be offered for sale but only as a secondary activity of the store.

85. COURT: An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two (2) or more sides by such building or

buildings and every part of which is clear and unobstructed from its lowest point to the sky

86. CREDIT UNION: A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds and is regulated by the National Credit Union Administration (NCUA). This does not include pay day loan/lending establishments.

87. DAIRY: A commercial establishment for the manufacture, processing, and/or sale of dairy products.

88. DANCE HALL: Any place open to the general public where dancing is permitted; provided, however, that a restaurant located in the city licensed under the Code of Virginia to serve food and beverages having a dance floor with an area not exceeding ten percent of the total floor area of the establishment shall not be considered a public dance hall.

89. DANCE STUDIOS: A school where classes in dance are taught to four persons or more at a time.

90. DAY NURSERIES & CHILD CARE CENTER: An institution intended primarily for the daytime care of children of preschool age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this chapter.

91. DELICATESSEN: An establishment where food is sold for consumption off premises and no counters or tables for on premises consumption of food are provided, but excludes groceries and supermarkets.

92. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

93. DISTRICT: A portion of the territory of the City of Hopewell, Virginia, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the adopted zoning ordinance.

94. DUMP HEAP (TRASH PILE): Any area where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary landfill.

95. DWELLING: A building or portion thereof, but not a manufactured home, designed or used for residential occupancy. The term dwelling shall not be construed to mean motel, rooming house, hospital or other accommodations used for more or less transient occupancy.

96. DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.

97. DWELLING, TWO-FAMILY (DUPLEX): A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

98. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

99. DWELLING, SINGLE-FAMILY: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

100. EQUIPMENT, PENTHOUSE: A structure on the roof of a building containing necessary mechanical equipment, elevator equipment and/or stairways.

101. FACTORY OUTLET SHOPPING MALL: A building of at least 125,000 square feet in size, wherein there occurs the sale of merchandise and food and associated commercial structures in conjunction with the mall.

102. FAMILY: (1) One person; (2) Two or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two roomers, living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (3) a group of not more than four persons not related by blood, marriage, adoption or guardianship living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (4) residential are home.

103. FAMILY DAY HOME: A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through 12 children, exclusive of the providers' own children and any children who reside in the home, shall be licensed. No family day home shall care for more than four children under the age of two, including However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. Caring for five (5) or les children shall be considered babysitting as a home occupation.

104. FENCE: A free-standing structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

105. FIRE & RESCUE SQUAD STATIONS: A government facility that houses fire and rescue personnel and equipment.

106. FITNESS CENTER OR GYM: A building designed and equipped for the conduct of sports, exercise, leisure time activities, other customary and usual recreational activities. The activities shall be conducted entirely within an enclosed building. This shall not include government owned recreational buildings.

107. FLOOD: A general and temporary inundation of normally dry land areas.

108. FLOOD, ONE HUNDRED YEAR: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

109. FLOODPLAIN: A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

110. FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source.

111. FLOODWAY: The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

112. FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.

113. FLORIST: Retail business whose principal activity is the sale of non-illegal plants which may or may not be grown on the site and conducting business within an enclosed building.

114. FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident.

115. GARAGE APARTMENT: A second subsidiary dwelling unit located in an accessory building.

116. GARAGE, PRIVATE: Accessory building designed or used for the storage of private automobiles owned and used by the occupant of the building to which it is accessory.

117. GARAGE, PARKING: A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.

118. GASOLINE FILLING STATION: An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery of fuel, lubricating oil, and minor accessories for such vehicles, and the sale of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public, where establishment may or may not include facilities for lubricating, washing, minor repairs, or otherwise servicing motor vehicles, but not including auto body work, welding, painting, or major repair work.

119. GENERAL STORE: A single store, the ground floor of which is four thousand (4,000) square feet or less, which offers for sale general merchandise. Gasoline and oil may also be offered for sale but only as a secondary activity of a general store.

120. GIFT, STATIONARY, AND CARD SHOPS: Retail store where items such as stationary, novelty items, jewelry, and notions are sold. This does not include antique shops, consignment shops, pawn shops or thrift stores.

121. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

122. GOLF DRIVING RANGE: A limited area on which golf players do not walk but into which they drive golf balls from a central driving tee.

123. GOLF, MINIATURE: A limited area on which a shorter version of the game of golf is played. This area is usually lighted and creates a large traffic flow.

124. GOVERNING BODY: The City Council of the City of Hopewell, Virginia.

125. GROCERY STORE: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

126. GROUP HOUSING: For the purpose of this ordinance, group housing is defined as publicly-funded housing which is provided by a public authority, limited partnership, or non-profit sponsors, and is designed and used as a dwelling for the elderly and/or handicapped, whether it is one (1) dwelling or a series of dwelling units in one (1) structure.

127. HEALTH OFFICIAL: The legally-designated health authority of the Department of Health, Commonwealth of Virginia, for the City of Hopewell, or his authorized representative.

128. HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.

129. HISTORIC AREA: An area containing buildings or places in which historic events occurred or having special public value because of noticeable architectural or other features relating to the cultural or artistic heritage of the community, or of such significance as to warrant conservation and preservation, and which has been so designated by the Virginia Historic Landmarks Commission or some other local, state or federal government agency.

130. HOME DECORATING CENTER AND INTERIOR DESIGN SERVICES: A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home

furnishings to the general public shall not be offered; however, cloth, wallpaper, tiles, carpet and paint samples may be provided, and or sold.

131. HOME HEALTH CARE SERVICES: An office establishment that schedules nurses and practitioners to make visits to patients that call in for health care services.

132. HOME OCCUPATION: Any occupation, profession, enterprise or activity carried on by the resident of the dwelling, with no one employed other than members of the family; who are also residing on the premises which is incidental and secondary to the use of the premises including but not limited to handicrafts, dressmaking, millinery, laundering, preserving, home cooking, personal service of beauty culture offered in a limited way by appointment and not to the general public, the home office of a member of a recognized or licensed profession such as attorney-at-law, physician, dentist, musician, artist, professional engineer, or real estate salesman; provided that such occupation shall not require external alterations or the use of equipment or machinery which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises; and provided that no traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood. Home occupations shall not be interpreted to include: massage parlors, nursing homes, convalescent homes, rest homes, motels, motor courts, tourist homes, animal hospitals or kennels, day care centers, motor vehicle repairs and maintenance, or similar establishments offering services to the general public.

133. HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupation" if they comply with the definitions herein.)

134. HOTEL: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

135. INDIVIDUAL AND FAMILY CONSULTING SERVICE: An establishment where professionals trained in counseling, psychology, or any other similar science offers counseling to individuals or groups. This shall not include psychic or fortune-telling businesses.

136. INN: An establishment, consisting of one or more buildings and associated grounds, for the temporary/permanent lodging of people, with or without meals and with or without private cooking facilities in the lodging rooms; and the establishment may provide customary private open-to-the-public accessory services of an inn, such as meeting facilities, dining rooms, banquet rooms, ball-room, the sale of incidental items, etc.

137. INSTITUTIONS OF HIGHER EDUCATION: Any institution accredited by the State Department of Education and/or authorized by the State Council of Higher Education to award degrees; and including all uses customarily associated with an institution of higher education, such as dormitories, classrooms buildings, athletic fields, libraries, etc.

138. INSURANCE AGENCY: An office establishment that sells, advises persons on insurance whether for home, rental, automobiles, businesses, etc.

139. INTERNET CAFÉ: An establishment where patrons participate in gaming or gambling activities on-line through a computer or arcade game. On-line time or air time is purchased and can be placed into an account or a debit type card. Winners are awarded with more air time or a cash prize. Also referred to as internet sweepstakes.

140. JEWELRY SALES AND REPAIR: A retail establishment that sells jewelry and, repair jewelry, within an enclosed building. This does not include a pawn shop.

141. JUNK YARD: An establishment or place of business, or an area which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard. The term shall include dump heaps and sanitary landfills.

142. KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for dogs and cats for sale or in return for compensation.

143. KINDERGARTENS AND DAY CARE CENTERS: Any institution maintained for the purpose of received children for full-time care, maintenance, protection and guidance separated from their parents or guardians. This shall not include primary or secondary educational facilities or summer camps.

144. LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

145. LAUNDRY AND DRY CLEANING/DRY CLEANERS: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or were articles are dropped off, sorted, and picked up by but where laundering or cleaning is done elsewhere.

146. LIMITED (LIGHT) INDUSTRY: Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors. Examples are lumber yards, warehouses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication plants.

147. LOADING SPACE: A space or a portion of any area designated, required, or by its nature used as an area for the temporary parking of motor vehicles while

transferring, loading, or unloading goods, merchandise, or products or while performing services. Such space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length and fifteen (15) feet in height.

148. LODGE, PRIVATE: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as businesses.

149. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

150. LOT, CORNER: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

151. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

152. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

153. LOT, INTERIOR: Any lot other than a corner lot.

154. LOT, WIDTH OF: The horizontal distance between side lot lines at the setback line.

155. LOT OF RECORD: A lot, a plat, or description of such which has been recorded in the clerk's office of the circuit court.

156. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials or products, or both of them into articles or substances of different character, or for use for a different purpose.

157. MANUFACTURED HOME PARK/SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.

158. MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins

159. MARINA, COMMERCIAL OR CLUB TYPE: Boating facilities designed and operated for profit, or operated by any club or organized group, where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal service, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

160. MARINA, PRIVATE NONCOMMERCIAL: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs

161. MASTER PLAN: A long-term, general outline for projected development.

162. MARQUEE: A roof-like structure or awning projecting over an entrance, for example, a theater.

163. MANUFACTURED HOME: A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expandable, or non-expandable, or non-expandable in accordance with USA - A110.1 Standard for manufactured Homes 1972 currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. It shall be further defined as a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembling operation, location on jacks or permanent foundations, connections to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a manufactured home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia. This definition shall not apply to travel trailers used for recreational camping purposes.

164. MANUFACTURED HOME LOT: Any area or tract of land used by design to accommodate one (1) manufactured home.

165. MANUFACTURED HOME PARK: A parcel of land divided into two (2) or more lots for rent for which the facilities for servicing the manufactured home have been constructed, and which is completed before the effective date of this ordinance.

166. MEDICAL WASTE: Waste produced as a routine result of medical or veterinary treatment, excluding any radioactive material.

167. MEMBER OWNED RECREATIONAL FACILITY: Permanent, headquarters-type, and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social, and fraternal organizations; country clubs (golf courses separately defined); labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.

168. MIXED USE/STRUCTURE: A building containing a combination of two or more uses different principal uses.

169. MODULAR HOME: A dwelling unit constructed on-site in accordance with the [state or municipal] code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

170. MONUMENTAL STONE WORKS: a facility that processes stone to be used for various uses for consumers.

171. MOTEL: One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking

space conveniently located to each unit. Cooking facilities may be provided for each unit.

172. MOTION PICTURES THEATER, EXCLUDING DRIVE-IN THEATERS: Complex: structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall.

173. MUNICIPAL UTILITIES: Utilities that are subject to city acceptance for operation and maintenance. For purposes of this code, public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances and any component part(s) thereof.

174. MUNICIPAL WASTE: Waste which is normally composed of residential, commercial and institutional solid waste, excluding any waste which is otherwise regulated, such as infectious waste, hazardous waste, nuclear waste, etc.

175. MUSEUM: A building servicing as a repository for a collection of natural, scientific, or literary curiosities or objects or interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with our without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

176. MUSIC STORE: An establishment set aside for the sell of musical instruments, disco jock equipment, speakers, sheet music, accessory equipment, lessons and music software.

177. NEIGHBORHOOD STORE: A single store with a floor area of four thousand (4,000) square feet or less, which offers for sale general merchandise to the people of the area for their day-to-day needs.

178. NEWSPAPER OF GENERAL CIRCULATION: A publication published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended for primarily members of a particular professional or occupation group, a newspaper whose primary function it to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

179. NIGHT CLUB: See "Dance Hall"

180. NONCONFORMING ACTIVITY: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

181. NONCONFORMING LOT: A lot, the area, dimensions or location of which were lawful prior to the adoption, revision or amendment of this ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements for the district in which it is located.

182. NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

183. OFFICE BUILDING: A structure wherein are employed a greater number of people than that allowed in professional offices and where there are no goods offered for sale.

184. OFFICAL ZONING MAP: The map or maps, together will all subsequent amendments thereto, which are adopted by reference as part of this ordinance and which delineate the zoning district boundaries in the City of Hopewell,

185. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right-of-way.

186. OPEN SPACE: Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

187. PARKING LOT: An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted.

188. PARKING SPACE: A space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of nine (9) feet in width and twenty (20) feet in length, except that off-street parking facilities containing any parking spaces may use twenty (20) percent of the total spaces as "compact car" spaces with a minimum size of seven and one-half (7 1/2) feet in width and fifteen (15) feet in length. Such spaces shall be indicated by the posting of signs reading "small cars only".

189. PAWNSHOP: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated

prices. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and landscaping requirements.

190. PEN: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each large animal shall not be regarded as a pen.

191. PERFORMING ARTS CENTER: A facility used to view and practice the performing arts such as dance, acting, and music.

192. PET SHOP: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

193. PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, personal hygiene items and related supplies

194. PHILANTHROPIC & CHARITABLE INSTITUTIONS: Any entity which: (1) has been certified as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue code, and (2) has religious or charitable or is a religious or charitable organization. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons, and which thereby lessens the burdens of government.

195. PHOTOGRAPHIC STUDIO: A building used exclusively by a professional photographer to take photos for persons for a fee.

196. PLANNED UNIT DEVELOPMENT: An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified.

197. PLAYGROUND: A small area developed especially for preschool or elementary school aged children. It may contain such facilities as sandboxes, slides, teeters, swings, climbing apparatus, and the like.

198. PORCH: The term "porch" shall include any porch, veranda, gallery, terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

199. PORTABLE STORAGE UNIT: Also known as a POD, a portable on demand storage unit. A large container used for temporary storage. It is hauled to a

property, loaded with items, hauled from the property and either stored in a storage yard or unloaded.

200. POST OFFICE: A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

201. PRINT SHOP: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

202. PRIVATE UTILITIES: Utilities that are not subject to city acceptance for operation or maintenance. For purposes of this code, private utilities include natural gas lines, power lines; telephone lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.

203. PROFESSIONAL OFFICE: The office, studio or professional room of a doctor, architect, artist, musician, lawyer or similar professional person, excepting any funeral home, or any establishment where goods are offered for sale.

204. PUBLIC LIBRARIES: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

205. PUBLIC PARK : A publically owned recreational area with play apparatus and/or fields.

206. PUBLIC WATER AND SEWER SYSTEMS: A water or sewer system owned and operated for public use by a municipality, or county, or by a private individual, corporation or association.

207. RECREATION AND FITNESS CENTER: A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

208. RECREATIONAL EQUIPMENT, MAJOR: Travel trailers, pickup campers, motorized trailers, houseboats and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

209. REQUIRED OPEN SPACE: Any space required in any front, side or rear yard.

210. <u>RESIDENTIAL CARE HOME : An adult and/or child caring home licensed by the Virginia State Department of Behavioral Health and Developmental Services to provide residential services to individuals who are mentally ill, mentally retarded, or developmentally disabled, or a home licensed by the Virginia State Department of Social Services to provide residential services to individuals who are aged, infirmed or disabled. For the purposes of this section, mental illness and</u>

developmentally disabled shall not include persons who illegally use or are addicted to a controlled substance, as defined in the Code of Virginia. No more than eight individuals shall reside within such home exclusive of one or more resident counselors or other staff persons. For the purposes of this chapter, such homes shall be considered a single family dwelling unit and required to meet the standards for dwelling units permitted in the district in which they are located.

211. RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.

212. REST HOME, CONVALESCENT HOME: Any place containing beds for two (2) or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the cure of feeble-minded mental, epileptic, alcoholic patients, or drug addicts.

213. RETAIL SPACE: Space within a building designated by the Building Official as retail used for the sell of goods, wares, or merchandise directly to the consumer.

214. REZONING: A request to City Council to change the zoning of land from one zoning district to a different zoning district.

215. ROOMING HOUSE: A dwelling in which, for compensation, lodging is furnished to three (3) or more, but not exceeding nine (9) guests; a boarding house.

216. SAWMILL: A sawmill, located on public or private property, for the processing of timber.

217. SAWMILL, PORTABLE: A portable sawmill for cutting timber grown primarily on the premises.

218. SCHOOL: A public, parochial, or private school or college, or a school for the mentally or physically handicapped, giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, it may also include a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious or other special subjects.

219. SCRAP YARD: Any land or building used for the abandonment, storage, keeping, collection, or bailing of paper, rags, scrap metals, other scrap, or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles, or other vehicles not in running condition, or parts thereof.

220. SCREENING: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

221. SECURITY BROKERS AND DEALERS: An office facility whose function is to provide clients with security services. Detective services may also be provided.

222. SELF-SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet temporary storage needs.

223. SETBACK: The minimum distance by which any building or structure must be separated from the front, side or rear lot line.

224. SEXUALLY ORIENTED BUSINESS: Any premises which the public patronizes or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, directly or indirectly. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult cabarets, adult entertainment studios or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. No sexually oriented business shall be located within 1,000 feet of certain places. No person shall operate or cause to be operated a sexually oriented business within 1,000 feet of a preexisting: 1) Public or private school; 2) Licensed day care; 3) Public Park; 4) Religious institution; 5) Boundary of a residential district; 6) Another sexually oriented business.

225. SITE PLAN: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features-both natural and manmade-and, depending on requirements, the location of proposed utility lines.

226. SITE TRIANGLE: The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines.

227. SHOPPING CENTER: Five (5) or more buildings or establishments located on the same lot or parcel of ground or two (2) or more buildings or establishments located on the same lot or parcel of ground with a combined floor area of forty thousand (40,000) square feet or more.

228. SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, but any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

229. SIGN, AREA: The entire area within a circle, triangle, rectangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports, or uprights on which the sign is placed. On double-faced signs, whose sign faces are

parallel and are at no point more than two (2) feet from one another, only one (1) display face shall be measured in computing total sign area.

230. SIGN, BUSINESS: A sign which directs attention to a product, commodity or service available on the premises.

231. SIGN, DIRECTIONAL: A sign (one end of which may be pointed, or on which an arrow may be pointed, indicating the direction to which attention is called) giving the name and approximate location only of the farm, or business, responsible for the erection of same.

232. SIGN, FREESTANDING: Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.

233. SIGN, GENERAL ADVERTISING: A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.

234. SIGN, GRAND OPENING: A sign which is used for the introduction, promotion, or announcement of a new business, store, shopping center, office, or the announcement, introduction, or promotion of a new establishment.

235. SIGN, IDENTIFICATION: A sign which carries only the name of the firm, the major enterprise, or the principal product offered for sale on the premises, or a combination of these.

236. SIGN MAINTENANCE: The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the reprinting of existing copy without changing the wording.

237. SIGN, OUTDOOR ADVERTISING: A freestanding or building-mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or service upon the sign. Such signs may also be referred to as billboards or poster panels.

238. SIGN, PROJECTING: A sign attached to the building wall or suspended from roof overhang in such fashion as to extend perpendicular from the building wall.

239. SIGN, ROOF: A sign erected on the roof of a structure.

240. SIGN, ROOF LINE: A sign erected either on the edge of the roof or on top of the parapet wall, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

241. SIGN STRUCTURE: Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

242. SIGN, TEMPORARY: A sign, either a banner, pennant, poster or advertising display constructed of cloth, plastic sheet, cardboard wall board, etc., applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.

243. SIGN, WALL: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

244. SITE AREA: A plat of land intended or suitable for development, the ground or area on which a use or structure is placed.

245. SPECIAL EXCEPTION: A use that is permitted by right when authorized by this ordinance, after the Board of Zoning Appeals has issued a permit stating under what conditions the use may operate.

246. SPECIAL USE PERMIT: A permit issued by the Board of Zoning Appeals, for selective specified reasons; used only for that particular reason and only under the conditions specified in the ordinance.

247. SPORTING GOODS: The sale of goods, equipment, and uniforms used during sports activities.

248. STANDING SPACE: A space by its nature used as an area for the temporary stopping of a motor vehicle, while under the control of its driver, for the purpose of embarking or discharging passengers, baggage, or merchandise, or for the purpose of utilizing special motor vehicle-oriented service including, but not limited to, drive-in banks, car washes, and gasoline filling stations. Such spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length.

249. STORY: That portion of a building, other than the cellar, including between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

250. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished for use.

251. STREET, ROAD: A public thoroughfare.

252. STREET LINE: The dividing line between a street or road right of way and the contiguous property.

253. STRUCTURE: Anything constructed or erected, the use of which required location on the ground, or attachment to something having a permanent location on the ground, except utility poles.

254. SUBSTANTIAL COMPLETION: The point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

(1) Necessary final approval by the Hopewell Code Enforcement Department has been given (if required);

(2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable;

(3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and

(4) Any work remaining on the project is minor or "punch list" in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

255. TAILOR SHOP: An establishment that provides alteration and sewing of clothing for men's and women's apparel. This use is interchangeable with a seamstress shop.

256. TANNING SALON: Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

257. TAX PREPARATION SERVICES: An office use that primarily provides tax preparation and may provide book keeping services.

258. THRIFT STORE: A nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated.

259. TOWNHOUSE: A single family dwelling unit, being one (1) of a group of not less than three (3) or more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

260. TOYS, GAMES, AND CRAFTS SHOP: Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

261. TRAVEL TRAILER: A vehicular, portable structure designed in accordance with USA Standards for Travel Trailers (A119-2) currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation or vacation uses; its design and type shall be clearly identified by the manufacturer by visible identification seal or plate of a permanent nature as a travel trailer; and its specification for travelling over the streets and highways of Virginia shall be in accordance with the Virginia Motor Vehicle Code, with a maximum width of eight (8) feet and a maximum length of thirty five (35) feet.

262. TRAVEL TRAILER PARK - TRAVEL TRAILER CAMP: Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.

263. TRUCK CAMPER: A portable structure designed to be loaded or fixed to the bed or chassis of a truck.

264. UPHOLSTERY SHOP: A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

265. VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal endorsement of the ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

266. VETERINARY HOSPITAL: A building or group of buildings providing surgical or medical treatment to animals, and dispensing and sales of veterinary-related products; provided that all work rooms, cages, pens, or kennels be maintained within a completely soundproof building and that such use be operated in such a way as to produce no objectionable noise or odors outside its walls.

267. VIDEO RENTAL STORE: An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMSs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses. This does not include adult video establishments.

268. WASTEWATER TREATMENT FACILITY: A public or private facility which treats wastewater from residences, businesses, institutions, industries and other sources with effluent to enter a public sewer in accordance with the City Code provisions for sewers and sewage disposal or to be discharged under an applicable state or federal permit.

269. WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET: Any structure or land used for the sale of agricultural or marine produce.

270. WHOLESALE BUSINESS: A place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial or retail use.

271. YACHT CLUB: An area and/or structures established for the purpose of water oriented recreation to include only one wharf or dock, the sale of gas and oil, club houses, and other social facilities for club members and their guests; and shall exclude maintenance facilities and any commercial establishment for the sale of food and lodging.

272. YARD: An open space on a lot other than a court occupied and unobstructed from the ground upward by structures except as otherwise provided herein.

273. YARD, FRONT: An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

274. YARD, REAR: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

275. YARD, SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excepting steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

276. ZERO LOT LINE: A common lot line on which a wall of a structure may be constructed.

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said Zoning Ordinance shall remain unchanged and be in full force and effect.

Public Hearings:

Planning Commission:		January 15, 2015	4-0	☒ approved
		Date	Vote	☐ disapproved
City Council:	1st Reading			☐ approved
		Date	Vote	☐ disapproved
	2nd Reading			☐ approved
		Date	Vote	☐ disapproved