

WORK SESSION

WS-1

INFORMATION
PROVIDED AT
MEETING

WS-2

INFORMATION
PROVIDED AT
MEETING

WS-3

ARTICLE X
LIMITED COMMERCIAL DISTRICT (B-2)

STATEMENT OF INTENT

The district has been established along some of the major traveled streets within the City in order to protect the existing commercial establishments presently located there and to enhance these areas in order to attract similar types of establishments. Because of the unusual shallowness and/or narrowness of the lots in these areas, only certain commercial uses which will not cause an increase in traffic volumes will be allowed. To this end, the following requirements have been devised.

A. USE REGULATIONS

Structures to be erected and land to be used shall be only for the following uses:

1. Accounting and tax preparation offices.
2. Antique store, not to include thrift stores.
3. Apartments, on the second or subsequent floors of a commercial/office use, provided that each unit contains a minimum of six hundred (600) gross square feet.
4. Appliance sales and repair.
5. Assisted living facility.
6. Automobile and truck service establishments and rental agencies, provided that vehicles lifts and pits, dismantled and wrecked automobiles and parts and supplies be located within a building enclosed on all sides; and provided that all service and repair of motor vehicles be conducted in a building enclosed on all sides.
7. Bakery.
8. Barber shops and beauty parlors.
9. Bookstores, not to include Adult bookstores.
10. Building supply, with no outside storage of materials.
11. Catering and prepared foods.
12. Churches.
13. Clubs and lodges, with a Special Exception issued by the Board of Zoning Appeals.
14. Commercial banks and financial institutions, not to include check cashing or payday loan establishments.
15. Computer sales and repair services.
16. Consignment store, with a Conditional Use Permit issued by City Council.

17. Contractors' establishments and display rooms, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
18. Convenience stores, with gasoline.
19. Convenience stores, without gasoline.
20. Dance studio/school.
21. Day nurseries and child care centers.
22. Delicatessen.
23. Electronic sales and repair.
24. Fire stations and rescue squads.
25. Fitness center or gym.
26. Florist.
27. Frame shop.
28. Funeral homes.
29. Gift and card shop.
30. Grocery store.
31. Home decorating centers and interior design services.
32. Hospitals.
33. Ice cream parlor.
34. Institutions of higher learning.
35. Insurance agency.
36. Jewelry sales and repair.
37. Laundry and dry cleaning.
38. Law office.
39. Medical and dental office.
40. Municipal and private utilities.
41. Museums and art galleries.
42. Night Clubs and dance halls, with a Conditional Use Permit issued by City Council.
43. Nursing homes.
44. Off-street parking as required in Article XVIII of this ordinance.
45. Pet shops, but excluding boarding kennels.
46. Pharmacy.

47. Philanthropic and charitable institutions.
48. Printing shops.
49. Real estate agency.
50. Restaurants.
51. Restaurants, with a drive-thru window, with a Conditional Use Permit issued by City Council.
52. Schools, special.
53. Tailors and seamstress.
54. Tanning Salon.
55. Telecommunications towers or antenna for wireless transmission above the frequency of 20,000 Hertz (hz), with a Conditional Use Permit issued by City Council.
56. Theaters, motion pictures theaters and assembly halls, but excluding drive in theaters.
57. Video Rental Stores, not to include adult video establishments.
58. Wholesale businesses.

B. AREA REGULATIONS:

None, except that for second story apartment units, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.

C. LOT WIDTH REGULATIONS:

None

D. SETBACK REGULATIONS:

None

E. YARD REGULATIONS:

1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
2. Rear: None, except when a use is abutting a residential district, then there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

Buildings may be erected up to forty-five (45) feet from grade, except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna radio aerials and equipment penthouses are exempt from the provisions of this Section.

G. REQUIREMENTS FOR PERMITTED USES:

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

DEFINITION OF ACCESSORY STRUCTURE AND CARPORT

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.

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 or side yard.



**Zoning Ordinance Amendment
 Article X. Limited Commercial District
 Section A. Accessory Structure
 Applicant: David A. Roberts Jr.**

Staff Report prepared for the Hopewell City Council Work Session

Work Session – February 17, 2015

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

I. PUBLIC HEARINGS

Planning Commission Meeting	January 8, 2015	Approved with Conditional Use Permit by City Council
City Council Work session	February 17, 2015	N/A
City Council Meeting	March 10, 2015	Pending

II. EXECUTIVE SUMMARY

The City of Hopewell has received an application from David A. Roberts Jr., for a Zoning Ordinance Amendment to Article X, Limited Commercial District (B-2), Section A, Use Regulations, to allow accessory structures to include metal carports as long as they are not visible from primary streets and any other conditions the Council of the City of Hopewell deems necessary.

III. STAFF ANALYSIS

On May 1, 2010 the City Council adopted an amendment to all business districts in the City, to include B-1, Downtown Central Business District, the B-2, Limited Commercial District, the B-3 District, Highway Commercial District and the B-4 District, Corridor Development District. By recommendation of the Planning Commission and Staff, uses were either removed from these districts or expanded.

In the B-2 District specifically, Accessory Uses, Convenience service establishments such as, but not limited to, barber shops, beauty parlors, tailors, gift shops and automatic self-service laundries, home occupations, libraries, public utilities, and retail stores not otherwise listed in this ordinance were deleted as uses. All uses except Accessory Uses were separated into individual uses versus being grouped together.

The purpose of deleting accessory uses from the list of allowable uses was to improve the professional appearance of business establishments in the City. It was concluded that such uses were not compatible with business establishments and that owners should add square footage to their current structure in order to expand.

In accordance with Article I, Definitions of the Zoning Ordinance, an accessory use is defined as 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. Accessory uses include sheds, carports, detached garages, pools, pool houses, and the like.

Additionally, on January 11, 2011, Article XVIII, Development Standards, Section 6, Architectural Treatment, subsection d. prohibited the construction of metal buildings within any business district without providing an acceptable façade where the structure is visible from any adjoining residential and business districts or any other public right-of-way. The section reads as follows:

“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 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. “

IV. APPLICANT'S POSITION:

The applicant's position is included in the Zoning Ordinance Amendment application.

V. ZONING ADMINISTRATOR'S ANALYSIS:

This process for application for a Zoning Ordinance Amendment when the applicant erected a carport prior to applying for a building permit. The building official informed the applicant that the structure requires a building permit. Through the process of filing the building permit, staff alerted the applicant/property owner that there were three zoning issues that would prevent staff from approving the building permit.

1. The first zoning matter is that since May 11, 2010, when the B-2 Zoning District language was amended by City Council, accessory structures/buildings are no longer permitted in the Limited Commercial District (B-2). Those erected in a B-2 District prior to May 11, 2010 are considered non-conforming uses and must comply with Article XVII, Nonconforming Uses.
2. The second zoning matter is that the applicant has placed the carport within twenty (20) feet of the rear property line. The City of Hopewell Zoning Ordinance requires a twenty (20) foot setback for all buildings located in a B-2 zoning district when adjacent to a residential property (this item is being addressed as a variance).
3. The third and final zoning matter refers to architectural treatment of buildings in the City in commercial and industrial zoning districts. The zoning ordinance states that "no portion of a building constructed of cinder block or corrugated and/or sheet metal that isn't completely covered with an acceptable façade shall not be visible from any adjoining residential and business districts or any public right-of-way". The carport is in the rear yard adjacent to property zoned Residential, Medium Density (R-2) District and from the right-of-way along Buren Street.

The applicant applied for a Special Use Permit and Variance with the Hopewell Board of Zoning Appeals. These two public hearings were held on November 19, 2014. The BZA voted 3 to 0 to conditionally approve the Special Use Permit and Variance after the City Council approved the Modification to the Development Standards to allow a metal carport in the B-2 District and after approval of an alley vacation by City Council.

Instead of applying for the modification to the Development Standards or the alley vacation the applicant has decided to apply for a Zoning Ordinance Amendment to add an accessory structure to the B-2 District as long as they are not visible from primary streets and any other conditions the Council of the City of Hopewell deems necessary.

VI. STAFF RECOMMENDATION:

Staff recommends denial of the Zoning Ordinance Amendment to Article X, Limited Commercial District, B-2, Section A. Use Regulations, to add a metal carport as an allowable use if they are not visible from primary streets. The goal of improving the appearance of business establishments in the City has not changed since the amendment in 2010. Improving design standards for businesses has been integral in the design of commercial uses that have established in the City since the ordinance amendment. Such names would include Bojangles, O'Reillys, the expansion of the Psychiatric Medical Office, the renovation of Burger King, and the construction of an auto repair shop on Elm Street. Commercial developments in the pipeline will benefit from stringent design requirements if the City wants to continue to see a quality commercial product.

While the applicant is requesting the amendment to accommodate a metal carport for his business, such an amendment would allow metal carports to be located on any property zoned B-2, Limited Commercial District. Such parcels are located off of Route 10 at the John Randolph Medical Center, West Broadway to 11th Avenue, from 6th Avenue to City Point Road and from City Point Road to 15th Avenue to Atlantic Avenue. Carports currently located in business districts that were erected prior to May 11, 2010 are grandfathered in; meaning they are allowed but are considered non-conforming uses. If there was ever damage to these accessory structures over fifty percent (50%) of the assessed value the owner must request permission by the Board of Zoning Appeals to rebuild the structure. If damage was less than fifty percent (50%) of the assessed value it could be reconstructed by right.

While Staff recommends denial of a request to allow a metal carport in the B-2 District if it cannot be seen from the street, Staff does not object to an accessory structure being allowed in the B-2 District by a Conditional Use Permit. This will require a public hearing process that makes the approval or denial transparent. It requires adjacent property owner notification and can set criteria for design.

Furthermore it does not leave the decision to Staff which in such cases can be viewed as subjective but opens the dialogue up to the public.

VII. PROPOSED RESOLUTION:

ORDINANCE 2015-XX

An Ordinance amending and reenacting Article X, Limited Commercial District Section A. Use Regulations of the Zoning Ordinance of the City of Hopewell

Article X Limited Commercial District (B-2)

STATEMENT OF INTENT

The Limited Commercial District B-2 has been established along some of the major traveled streets within the City in order to protect the existing commercial establishments presently located there and to enhance these areas in order to attract similar types of establishments. Because of the unusual shallowness and/or narrowness of the lots in these areas, only certain commercial uses which will not cause an increase in traffic volumes will be allowed. To this end, the following requirements have been devised.

A. USE REGULATIONS

Structures to be erected and land to be used shall be only for the following uses:

1. Accessory structures/uses, with a Conditional Use Permit issued by City Council.
2. Accounting and tax preparation offices.
3. Antique store, not to include thrift stores.
4. Apartments, on the second or subsequent floors of a commercial/office use, provided that each unit contains a minimum of six hundred (600) gross square feet.
5. Appliance sales and repair.
6. Assisted living facility.

7. Automobile and truck service establishments and rental agencies, provided that vehicles lifts and pits, dismantled and wrecked automobiles and parts and supplies be located within a building enclosed on all sides; and provided that all service and repair of motor vehicles be conducted in a building enclosed on all sides.
8. Bakery
9. Barber shops and beauty parlors.
10. Bookstores, not to include Adult bookstores.
11. Building supply, with no outside storage of materials.
12. Catering and prepared foods.
13. Churches.
14. Clubs and lodges, with a Special Exception issued by the Board of Zoning Appeals.
15. Commercial banks and financial institutions, not to include check cashing establishments.
16. Computer sales and repair services.
17. Consignment store, with a Conditional Use Permit issued by City Council.
18. Contractors' establishments and display rooms, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
19. Convenience stores ,with gasoline
20. Convenience stores, without gasoline.
21. Dance studio/school.
22. Day nurseries and child care centers.
23. Delicatessen.
24. Electronic Sales and repair.
25. Fire stations and rescue squads.
26. Fitness center or gym.
27. Florist.
28. Funeral homes.
29. Gift card shop.
30. Grocery store.
31. Home decorating centers and interior design services.
32. Hospitals.
33. Ice cream parlor.
34. Institutions of higher learning.

35. Insurance agency.
36. Jewelry sales and repair.
37. Laundry and dry cleaning.
38. Law office.
39. Medical and dental office.
40. Municipal and private utilities.
41. Museums and art galleries.
42. Night Clubs and dance halls, with a Conditional Use Permit issued by City Council.
43. Nursing homes.
44. Off-street parking as required in Article XVIII of this ordinance.
45. Pharmacy.
46. Philanthropic and charitable institutions.
47. Printing shops.
48. Real Estate Agency.
49. Restaurants.
50. Restaurants, with a drive-thru window, with a Conditional Use Permit issued by City Council.
51. Schools, special.
52. Tailors and seamstress.
53. Tanning Salon.
54. Telecommunications towers or antenna for wireless transmission above the frequency of 20,000 Hertz (hz), with a Conditional Use Permit issued by City Council.
55. Theaters, motion pictures theaters and assembly halls, but excluding drive in theaters.
56. Video Rental Stores, except Adult Video Establishments.
57. Wholesale businesses.

B. AREA REGULATIONS:

None, except that for multi-family and second story apartment units, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.

C. LOT WIDTH REGULATIONS:

None

D. SETBACK REGULATIONS:

None

E. YARD REGULATIONS:

- 1. Side: None, except when a use is abutting a residential district, and then there shall be a minimum side yard of five (5) feet.
- 2. Rear: None, except when a use is abutting a residential district and then there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

- 1. Buildings may be erected up to forty-five (45) feet from grade, except that:
- 2. Church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna radio aerials and equipment penthouses are exempt from the provisions of this Section.

G. REQUIREMENTS FOR PERMITTED USES:

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

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.

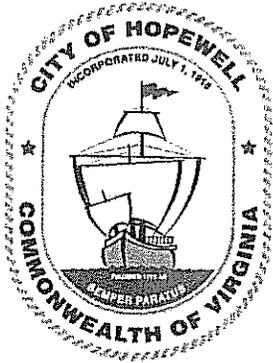
Public Hearings:

Planning Commission:		<u>January 8, 2015</u>	_____	<input type="checkbox"/> approved
		Date	Vote	<input type="checkbox"/> disapproved
City Council:	1 st Reading	_____	_____	<input type="checkbox"/> approved
		Date	Vote	<input type="checkbox"/> disapproved
	2 nd Reading	_____	_____	<input type="checkbox"/> approved
		Date	Vote	<input type="checkbox"/> disapproved

Attachments:

- 1. Application for a Zoning Ordinance Amendment

ADJOURNMENT



CITY OF HOPEWELL

Hopewell, Virginia, 23860

CITY COUNCIL

AGENDA

PHONE: 541-2249

FAX: 541-2248

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

Automated Citizen Information System (ACIS)

541-2401 – Messages:

110 – City Council Meetings

111 – General City Council Information

112 – City Council Agenda

e-mail: info@hopewellva.gov

comes@hopewellva.gov

www.hopewellva.gov

Work Session

7:30 p.m.

Mark A. Haley, City Manager
Tom Lacheney, City Attorney
Cynthia Y. Ames, City Clerk

Date: February 17, 2015 MUNICIPAL BUILDING TIME: Work Session 7:30 p.m.

7:30 PM Call to Order, roll call, and welcome to visitors.

Roll Call

WORK SESSION

- WS-1. School Budget FY 2015-2016
- WS-2. Budget Fiscal Year 2015-2016 – Expenditures
- WS-3. Carports

ADJOURNMENT