

Article IX
Downtown Central Business District B-1

STATEMENT OF INTENT

The district is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. The district is intended to be a predominantly pedestrian area with shops and storefronts close to the road, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained with the preservation of historic structures and the replication of historic styles in additions and expansions. The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, newspaper offices and restaurants.

A. USE REGULATIONS

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

1. Accounting Services.
2. Advertising and Public Relations Agencies.
3. Antiques.
4. Apartments on the first floor of mixed-use buildings with a Conditional Use Permit.
5. Apartments on second and subsequent floors of commercial and office buildings/uses provided that each unit contain a minimum of nine hundred (900) gross square feet.
6. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below nine hundred (900) gross square feet, with a Conditional Use Permit.
7. Appliance Stores.
8. Architectural and Engineering Services.
9. Art Galleries, Framing and Supplies.
10. Bakeries.
11. Barber and Beauty Shops.
12. Bed and Breakfast Establishments.
13. Bookstores, except Adult bookstores.

14. Camera and Photo Supply Stores.
15. Casual and Formal Apparel Stores.
16. Child Care Services.
17. Churches.
18. Coffee Shops.
19. Commercial Banks and Financial Institutions, not to include check cashing establishments.
20. Computer Sales and Service.
21. Convenience Store.
22. Credit Unions.
23. Dance Studios.
24. Delicatessen.
25. Dry Cleaners.
26. Florist.
27. Gift, Stationary, and Card Shops.
28. Grocery Store.
29. Home Decorating Center and Interior Design Services.
30. Home Health Care Services.
31. Hotels.
32. Individual and Family Consulting Services.
33. Insurance Agencies.
34. Jewelry Stores.
35. Law Offices.
36. Marinas, Public or Private.
37. Medical and Dental Offices.
38. Motion pictures theaters, excluding drive-in theaters
39. Multi-family dwellings.
40. Municipal and Government Agencies and Offices.
41. Municipal and Private Utilities.
42. Museums.
43. Music Stores.
44. Off-street parking is not required in this district.
45. Parking Decks and Garages, Public.

46. Performing Arts Center.
47. Pet Shops.
48. Pharmacy.
49. Philanthropic and charitable institutions.
50. Photographic Studios.
51. Post Office
52. Print Shops.
53. Public Libraries.
54. Real Estate Agencies.
55. Recreation and Fitness Centers.
56. Restaurants.
57. Security brokers and dealers.
58. Sporting goods.
59. Tailor Shops.
60. Tanning Salons.
61. Tax preparation services.
62. Title Abstract and Insurance Offices.
63. Townhouses.
64. Toys, Games, and Crafts.
65. Upholstery shops.
66. Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:

1. Multi-family uses - For permitted multi-family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
2. Group housing for the elderly and handicapped - For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
3. Business uses - None.

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, there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

1. Buildings may be erected up to one hundred twenty five (125) 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 the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

H. ARCHITECTURAL TREATMENT – REHABILITATION:

- a. The rehabilitation of any existing structure within the National Register Historic Downtown District shall comply with the Secretary of Interior’s Standards for Rehabilitation, except to the extent specific deviations from such standards are expressly approved by the Downtown Design Review Committee (the “Review Committee”) established under Article IX, M hereafter.
- b. The rehabilitation of any existing structure within the district that is not located within the National Register Historic Downtown District shall comply with Section I below.

I. ARCHITECTURAL TREATMENT – NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:

The following guidelines shall be considered by the Review Committee in approving or denying any application for a Certificate of Appropriateness or a building permit in addition to the criteria set forth in Article IX, O hereafter and the guidelines set forth in the Downtown Master Plan adopted by City Council on January 14, 2003.

1. New development shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the Downtown. The intent of this is to insure functional and visual compatibility, not to specifically encourage imitation of past architectural styles.

Nothing herein shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials found within the downtown and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan.

2. 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 if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. No portion of a building constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
3. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety, but shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, 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 planting as described in these guidelines and the Downtown Master Plan.
4. Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the Review Committee. At locations where the existing buildings do not conform, the Review Committee may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

J. SIGNAGE:

1. Sign Placement.
 - a. Signs shall be placed so that they do not obstruct architectural elements and details that define the design of the building, and the signage of adjacent businesses.
 - b. Flat wall signs shall be located either above the storefront, within the frieze of the cornice, on covered transoms, or on the pier that frames display windows or generally on flat, unadorned surfaces of the façade or in other areas clearly suitable as sign locations.
 - c. Projecting signs shall be located at least ten (10) feet above the sidewalk, project no more than three (3) feet from the façade of the building, and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than ten (10) feet below such cornice line to the sidewalk.

- d. Window signs, both interior and exterior, shall be located approximately five and one-half (5 ½) feet above the sidewalk at the center point of the window and the window sign for good pedestrian visibility, except that such signs may be located eighteen (18) inches from the top or bottom of the display window glass.
- e. Window signs may be placed on the glazing of doors and on upper floor windows for separate building tenants.
- f. Awning and canopy signs shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1 ½) inches. The average height of lettering and symbols shall be no more than nine (9) inches.
- g. Freestanding signs shall not be permitted in this district.
- h. Roof signs shall not be permitted in this district.

2. Sign Size.

- a. All combined building signage shall not exceed fifty (50) square feet.
- b. Flat wall signs shall not exceed eighteen (18) inches in height and shall not extend more than six (6) inches from the building façade.
- c. Projecting signs shall be a maximum of six (6) square feet per sign face.
- d. The average height of letters and symbols shall be no more than twelve (12) inches on wall signs, nine (9) inches on awning and canopy signs, and six (6) inches on window signs.
- e. Window signs shall not obscure more than twenty percent (20%) of the window glass.

3. Quantity of Permanent Signs.

The number of signs permitted for any building shall be limited as follows to encourage compatibility with the building and discourage visual clutter.

- a. Signs shall be limited to two (2) total per building and each shall be of a different type. No building shall have more than one (1) wall sign on any street frontage.
- b. Small directory signs may be located near entries or inside a common lobby area.

4. Sign Design and Shape.

- a. All signs shall be readable and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan.
- b. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a

coffee mug for a coffee shop or a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building.

5. Materials.

- a. Signs shall be made only of traditional sign materials such as wood, glass, gold leaf, raised individual metal or painted wood letters, or painted letters on wood, metal, or glass.
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall be painted or have flat decal letters and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

6. Color.

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the Review Committee.

7. Illumination.

Signs shall be indirectly lit with a shielded incandescent light source. Internally lit plastic molded signs shall not be permitted in the district.

8. Buildings with Multiple Tenants.

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants shall be identified at each primary entrance by a flat, wall-mounted directory sign.

9. Other Signs.

Wall murals shall be compatible with the district character and subject to approval of the Review Committee.

K. AWNINGS AND CANOPIES:

1. Types.

- a. Standard Slope Fabric Awnings may be used on most historic buildings and may be either fixed or retractable.
- b. Boxed or Curved Fabric Awnings may be used on non-historical buildings.

2. Design and Placement.

- a. Awnings shall be placed within the storefront, porch, door or window openings so as to not obscure architectural elements of the building or damage the building façade.
- b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees or other streetscape features.
- c. Awnings shall be shaped to fit the opening in which they are installed.
- d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
- e. Plastic or Aluminum Awnings shall not be permitted in the district.
- f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors, wide and narrow stripes may be used if compatible with building colors.

L. CERTIFICATION OF APPROPRIATENESS, GENERALLY:

1. No building or structure within the district shall be erected, reconstructed, altered, improved or restored unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the Local, State or Federal government shall be demolished or removed, in whole or in part, unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
3. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Review Committee.
4. Application for a Certificate of Appropriateness required by the Article shall be made to the Director of Development or his designee.

M. DOWNTOWN DESIGN REVIEW COMMITTEE:

1. A review committee is hereby established and shall be known as the Downtown Design Review Committee, hereafter referred to as the "Review Committee." The Review Committee shall consist of five (5) voting members who shall be appointed by City Council to serve staggered terms. All members shall reside in the City of Hopewell, and at least one (1) shall be a downtown property owner, one (1) shall be a downtown business owner, and the remaining three (3) members shall have knowledge of, and demonstrated interest in the historic character of the City, and knowledge or expertise deemed useful to the work of the Review Committee. These members may include, but not limited to, a licensed contractor, a real estate broker, or architect. City Council, at its own discretion, may appoint members that do not reside in the City of Hopewell if they deem it appropriate. The members shall serve a term of four (4) years each

except that the original appointments shall be made as follows: one (1) member shall be appointed for a one (1) year term; two (2) members shall be appointed for a two (2) year term; and two (2) members shall be appointed to four (4) year terms. The City Planner shall serve as an advisory member of the Review Committee and shall have no vote. No member of the Review Committee shall serve more than two consecutive four (4) year terms. A member may be re-appointed to additional terms after being out of office for at least one four (4) year term.

2. The Review Committee shall elect from its own membership a chairman and a vice chairman who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the Review Committee. All members of the Review Committee, except for advisory members, shall be entitled to vote, and the decisions of the Review Committee shall be determined by a majority vote. A quorum of three (3) voting members shall be required to be present for official business to be conducted at any meeting and for any action to be taken. The Review Committee shall meet monthly after notification by the Director of Development of an application for a Certificate of Appropriateness or permit requiring action by the Review Committee. The Review Committee shall take action on any matter properly before it no later than sixty (60) days after its first meeting to discuss such matter, unless the time is extended with the written consent of the applicant. The Review Committee shall not reconsider any decision made by it, or entertain any application or request that it deems to be substantially similar to an application or request that has previously been denied, for a period of one (1) year from the date of denial, except in cases where an applicant resubmits his application amended as provided in this Article within ninety (90) days after the date of denial of the initial application.
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the Review Committee shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the Review Committee.
5. In the case of disapproval or denial of an application for the demolition of a building in the district, the Review Committee shall state specifically its reasons for such disapproval or denial in writing.
6. The Review Committee, when requested for a building permit in the district, shall inform the applicant of any changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas as a condition of issuing such permit.

7. In matters governing the procedure for meetings not covered by this Article, the Review Committee may establish its own rules and procedures; provided they are not contrary to the content and intent of this Article.

N. NOTICE OF PUBLIC HEARING:

No application for a Certificate of Appropriateness to demolish a building that exists in the district shall be considered by the Review Committee until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

O. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the district, the Review Committee shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a Certificate of Appropriateness is issued for the demolition of a building or structure which exists in the district, the Review Committee shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
 - b. Is the building of such interest or significance that it could be made into a national, state or local historic landmark?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
 - d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in

American culture and heritage; and making the city a more attractive and desirable place in which to live?

3. The Review Committee shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

P. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the Review Committee of any erection, reconstruction, alteration, restoration or demolition, a Certificate of Appropriateness, signed by the committee chairman and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

Q. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any Certificate of Appropriateness issued pursuant to this Article shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced, or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article or by a court of competent jurisdiction, shall be excluded from the computation of the twelve (12) month period.

R. APPEALS FROM DOWNTOWN DESIGN REVIEW COMMITTEE:

Any applicant aggrieved by a final decision of the Review Committee shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the Review Committee has made its decision. The filing of the petition shall stay the Review Committee's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a complaint, setting forth the alleged illegality of the action of the governing body, provided such complaint is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said complaint shall stay the decision of the governing body pending the outcome of the appeal to the court except that the filing of such complaint shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. The filing of an appeal hereunder shall not operate as a *de facto* approval of any application disapproved or denied by the Review Committee.