

## ARTICLE IV. DEVELOPMENT REGULATIONSIMPROVEMENTS REQUIRED FOR DEVELOPMENTS

### DIVISION 1. - APPLICABILITY

#### Sec. 34-850. - Applicability.

The ~~regulations set forth within requirements of~~ this article shall apply ~~with respect to subdivisions and other developments, in addition to the regulations within Article III~~any construction, use or other development that is subject to the requirement of a site plan.

Secs. 34-851—34-860. - Reserved.

### DIVISION 2. - LANDSCAPING AND SCREENING

#### ~~Sec. 34-861. - Purpose.~~

~~The purpose of these landscaping and screening requirements is to provide for the installation, preservation and maintenance of plant materials intended to:~~

- ~~(1) Insure development consistent with the goals of the comprehensive plan related to natural resources and environmental and land use standards;~~
- ~~(2) Promote the public health, safety and welfare;~~
- ~~(3) Conserve energy by providing shade and wind breaks;~~
- ~~(4) Provide pervious area which helps to reduce surface water run-off;~~
- ~~(5) Improve air quality;~~
- ~~(6) Minimize noise, dust and glare;~~
- ~~(7) Promote traffic safety by controlling views and defining circulation patterns; and~~
- ~~(8) Protect and preserve the appearance, character and value of neighboring properties.~~

~~(9-15-03(3))~~

#### Sec. 34-862. - Approved list of plantings.

The NDS Director shall, from time to time, promulgate a list of trees and other plant materials acceptable for use in meeting the landscaping requirements of this division ("list of approved plantings"). This list shall be maintained in NDS the department of neighborhood development services and shall be available for inspection. All trees and other plant materials required by this article shall either be: (i) selected from the current list of approved plantings, or (ii) verified by the NDS Director to be reasonably equivalent to any tree(s) or plant material(s) on the list of approved plantings.

#### Sec. 34-863. - Size of plantings.

- (a) Except where otherwise provided, trees and plant materials required by the provisions of this article shall be of the following minimum sizes at the time of planting:
  - (1) *Trees*: Two-inch caliper.

**Comment [LR1]:** Verify: is there such an official List? Is it up-to-date? Is the director's signature on it to signify that it's been approved?

It seems like we see a lot of references to plantings being determined by the Parks and Rec and NDS staff, but requirements can't be set case-by-case-- we need an official articulated standard such as an approved list of plantings.

**Comment [RL2]:** No need to specifically state this. The doc is a "public record" as defined by FOIA

- (2) Shrubs: Eighteen (18) inches.
- (b) For the purposes of this division, the term "caliper" refers to the diameter of a tree. Tree caliper shall be determined as follows:
  - (1) At a point six (6) inches above the root ball, at the time of planting (for trees planted or installed pursuant to a requirement of this article), and
  - (2) At a point twelve (12) inches above the ground, for existing trees.

**Sec. 34-864. - Bonding requirements.**

- (a) *Performance bonds.* ~~Landscaping. The director may require that landscaping shown on an approved landscaping plan be~~ shall either be installed or sufficiently bonded to guarantee installation, prior to the issuance of a certificate of occupancy. ~~Where a bond is provided to guarantee installation, the landowner and NDS shall enter into a written performance agreement stating the date by which all required~~ All landscaping must be completely installed ~~by the first planting season following issuance of the a certificate of occupancy within a development.~~
- (1) The performance bond shall be for an amount equal to the value of the required plants and the costs of installation, as determined by the ~~NDS Director zoning administrator~~ following consideration of an estimate prepared by a landscape contractor, which estimate must be obtained by the ~~developer landowner~~ and supplied to the ~~NDS Director zoning administrator~~ at the time a request for issuance of a certificate of occupancy is made.
- (2) The performance bond shall be released when all required plantings have been completely installed in accordance with the final approved site landscape plan, as determined by the ~~NDS Director zoning administrator~~.
- (3) During any water emergency declared by the city council, the ~~NDS Director~~ may prohibit installation of trees, plants or screening materials. In this event, a performance bond shall be continued in the developer shall be required to maintain the performance bond in effect for the duration of the emergency. ~~Upon conclusion of a~~ Once a declaration of water emergency ends, the landscaping shall be installed developer shall install the required plants within sixty (60) days of the date on which the emergency ends.
- (b) *Maintenance bonds.* A landscaping maintenance bond shall be provided to guarantee all plant materials posted by the developer in favor of the city. If the landscaping is installed prior to the issuance of ~~the first a~~ certificate of occupancy, then the maintenance bond shall be posted prior to the issuance of said certificate. If the landscaping is bonded for installation, rather than installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted when the materials are planted and before the performance bond is released.
  - (1) The maintenance bond shall be in the amount of one-third (1/3 ) of the value of the performance bond, and shall be valid held for a period of twelve (12) months following the ~~planting date~~ on which the performance bond referenced in (a) has been fully released. When existing plantings are preserved in lieu of required new plantings, the bond shall be calculated according to the replacement value of plantings that meet the minimum requirements of this article.
  - (2) At the end of the twelve-month time period, the bond shall be released if all plantings are in healthy condition, as determined by the ~~NDS Director zoning administrator~~.
  - (3) Every development shall, by easements, recorded conditions, or property owners' association documentation, include provisions ensuring that ~~Thereafter,~~ landscaping shall be maintained in a healthy condition by the owner(s) of land within the development the current owner of the property on which such materials are planted, or property owners' association (where applicable) and replaced, when necessary, with ~~Replacement landscaping plantings and materials that conform shall conform to the original landscape plan standards set forth within this article.~~

**Sec. 34-865. - Reserved.**

**Sec. 34-866. - Preservation of existing landscape features.**

(a) ~~The planning commission or the NDS Director shall refuse to approve any site plan that proposes unnecessary destruction of existing trees or other natural landscape features.~~

~~(b) Each development shall~~ The developer shall demonstrate reasonable efforts, in light of the proposed development and topography of a particular site, to preserve, replenish, protect and utilize the following types of existing landscape features: trees of eight-inch caliper or larger; ornamental trees of any size; trees within required setbacks or along boundaries, unless necessary to remove for access, grading, tree health, circulation, utilities or drainage; streams in their natural condition; existing stream buffers; and other natural features of the site which promote energy conservation. Trees of exceptional size, canopy, specimen type, age or historical value may be credited as up to four (4) trees of the same function group, for purposes of satisfying landscaping and screening requirements ("tree preservation bonus").

At the option of the landowner, existing healthy trees, of at least eight-inch caliper, or wooded areas, may be preserved in lieu of planting new materials, in order to satisfy landscaping and screening requirements, subject to the determination of the NDS Director that the trees or wooded areas to be preserved will serve the purposes of this section. In such case, the landscape plan shall indicate the trees to be saved; limits of clearing; location and type of protective fencing; grade changes requiring tree wells or walls; and trenching or tunneling proposed beyond the limits of clearing. The landowner shall provide a signed conservation checklist to insure that the trees and wooded areas approved by the NDS Director for preservation will be protected during construction. Except as otherwise expressly approved by the NDS Director in a particular case, such checklist shall conform to specifications contained in the Virginia Erosion and Sediment Control Handbook.

~~(c) The NDS Director or commission may require a landowner to include on the erosion and sediment control plan for a development measures which may be necessary to protect existing trees.~~

~~(b) The director may require a developer to preserve existing landscape features, upon a determination (following a site inspection) that the features contribute significantly to the character of the neighborhood and/or are unique in character, and that the preservation of such features is necessary to satisfy the purpose and intent of this section.~~

~~(c) With the approval of the director trees of exceptional size, canopy, specimen type, age or historical value may be credited as up to four (4) trees of the same function group, for purposes of satisfying landscaping and screening requirements ("tree preservation bonus").~~

~~(d) As a condition of any requested approval, or in conjunction with a requirement imposed pursuant to paragraph (b), above, the Director or commission may require the developer to include on the erosion and sediment control plan for the development measures to protect existing trees.~~

~~(e) The planning commission or the director shall refuse to approve any site plan that proposes unnecessary destruction of trees or other natural features.~~

**Sec. 34-867. - Landscape plan contents.**

~~Every site plan shall contain a landscape plan, showing~~ When required as a component of a preliminary or final site plan, a landscape plan shall show the following:

(1) Existing landscape features, and measures required by sec. 34-866, and the landscape plan shall indicate which, if any, existing features will be removed.

(2) The location, size, type and shape of all proposed plant materials, with sufficient detail to demonstrate and verification that minimum landscaping and screening requirements have been satisfied (dimensions of landscaped areas shall be indicated and trees shall be depicted at full canopy). Plant materials may be indicated in generic terms, e.g. large or medium canopy tree; evergreen tree; shrub; hedge, etc., unless greater detail is required to demonstrate compliance with applicable zoning requirements.

Comment [LR3]: Why shape?

(32) A schedule of proposed plantings, including number, height, caliper or gallon size, and botanical name, and tables calculating the amount of any open space and tree cover required and provided.

(43) With respect to street trees, the plan should be marked to indicate the functional classification and street typology of the street on which such trees will be planted front (including, without limitation, whether such street is within an entrance corridor overlay district) and, where applicable, whether if the street is within one (1) of the city's corridor districts whether such street is a "primary" or "linking" street.

~~(4) At the option of the developer existing healthy trees, of at least eight inch caliper, or wooded areas, may be preserved in lieu of planting new materials, in order to satisfy landscaping and screening requirements, subject to the determination of the director that the trees or wooded areas to be preserved will serve the purposes of this section. In such case, the landscape plan shall indicate the trees to be saved; limits of clearing; location and type of protective fencing; grade changes requiring tree walls or walls; and trenching or tunneling proposed beyond the limits of clearing. The applicant shall provide a signed conservation checklist to insure that the trees and wooded areas approved by the director for preservation will be protected during construction. Except as otherwise expressly approved by the director in a particular case, such checklist shall conform to specifications contained in the Virginia Erosion and Sediment Control Handbook.~~

~~(5) The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and man-made features of local or historic significance.~~

Comment [RL4]: Existing trees and existing landscape features are already covered in 34-866.

### Sec. 34-868. - Trees, generally.

(a) All trees to be planted ~~shall be selected from the city's list of approved plantings, or a substitution approved by the director, and~~ shall meet the specifications of the American Association of Nurserymen.

Comment [RL5]: Sec. 34- 862 previously set out the requirement for trees/ plantings to be from the plantings list

(b) The planting of trees shall be done in accordance with the following: (i) the City's Standards and Design Manual, or if the SDM contains no standard, then, in order of preference: with either (ii) the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or (iii) the road and bridge specifications of the Virginia Department of Transportation.

Comment [LR6]: Is this a standard we are actually using? If not, the reference should be deleted

(c) Planting islands shall contain a minimum of fifty (50) square feet per tree, with a minimum dimension of five (5) feet, in order to protect landscaping and allow for proper growth. Wheel stops, curbing or other barriers shall be provided to prevent damage to landscaping by vehicles. Where necessary, trees shall be welled or otherwise protected against grade changes.

Comment [LR7]: Does this still exist? Are we actually applying it?

(d) ~~No tree~~ Only trees having a mature height of more less than twenty (20) feet shall may be installed under any overhead utility lines.

Comment [LR8]: Update?

### Sec. 34-869. - Tree cover requirements.

(a) The provisions of the city's tree canopy ordinance adopted June 25, 1990, are hereby continued in effect and incorporated in this zoning ordinance, as follows:

(1) ~~Trees shall be preserved and planted within a development site, so that~~ All developments, public or private, requiring submission and approval of a site plan shall include provisions for the preservation and planting of trees on the site to the extent that, at ten (10) years from planting, minimum tree canopies or covers will be provided (relative to the gross area of the development site) as follows:

Zoning Districts	Percentage of Site Cover
R-3, B-1, B-2, B-3, IC	10 percent
R-2	15 percent
R-1, R-1A	20 percent

The area to be occupied by the building footprint(s) and driveway access area(s) proposed for a development site shall be ~~included within subtracted from~~ the gross site area before calculating required tree coverage, ~~except when the development site only when the site is located within a parking exempt zone that portion of the city described in section 34-971 (parking exempt area).~~ ~~This exclusion from gross site area calculations shall be allowed whether or not the proposed development will add more than ten (10) percent floor area to an existing building or is found to be new construction in the context of the off-street parking requirements.~~

- (2) Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, shall not be included to meet the tree cover requirements.

~~(3) The requirements of this section may be waived, in whole or in part, by the director of neighborhood development services or the planning commission in the following circumstances: to allow for the reasonable development of areas devoid of woody materials, dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature; to allow for the preservation of wetlands; or when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.~~

**Comment [RL9]:** NDS Director and staff cannot approve waivers of ordinance requirements.

- (b) Within all zoning districts other than those specifically referenced within paragraph (a), above, ~~trees cover~~ shall be ~~preserved or planted provided to the extent so~~ that, at twenty (20) years ~~from planting, the following~~ minimum tree canopies or covers will be provided (relative to the gross area of the development site) as follows:

- (1) Ten (10) percent canopy for a development site zoned for business, commercial, ~~mixed-use~~ or industrial use;
- (2) Ten (10) percent for a development ~~site zoned for residential use to contain dwelling units~~ at a density of twenty ~~one (210)~~ or more ~~dwelling units~~ per acre;
- (3) Fifteen (15) percent for a development ~~site to contain dwelling units at a density of zoned for residential use at a density of more than ten (10) dwelling units per acre~~ but less than twenty (20) units per acre; and
- (4) Twenty (20) percent for a development ~~site to contain dwelling units zoned for residential use at a density of ten (10) or fewer dwelling units per acre or less.~~
- (5) The area to be occupied by the building footprint(s) and driveway access area(s) proposed for a development site shall be ~~included within subtracted from~~ the gross site area before calculating required tree coverage, ~~unless only when the site is located within a parking exempt area that portion of the city described in section 34-971 (parking exempt area),~~ or within one (1) of the following mixed-use zoning districts: Downtown (D); West Main North (WM-N), and West Main

South (WM-S). ~~The following areas may be deducted, at the option of the developer, from the gross area of the site: required recreation areas; required open space areas; land dedicated to public use; playing fields and recreation areas attendant to schools, day care, and similar uses; areas required for the preservation of wetlands, floodplain or other areas required to be maintained in a natural state by this chapter or other applicable law; and other areas approved by the director as part of a variation or waiver of the landscape plan requirements.~~

~~(6) If a development site contains three or more dwelling units as well as buildings proposed for commercial, industrial or other non-residential occupancy, then the tree cover percentage shall be determined according to the use that has the most gross floor area. For any mixed-use development, whether such development falls within the category of a site zoned for residential, commercial or industrial use shall be determined by the principal (predominant) use.~~

(c) Where existing trees are preserved on the development site, a bonus shall be granted as follows ("tree canopy bonus"): in calculating the coverage provided by trees shown on a the approved landscape plan, an existing tree included on a the developer's conservation checklist list of trees to be preserved in accordance with sec. 34-866 shall be deemed to cover an area equal to one and one-half (1.5) times the diameter of the tree's existing dripline. In order to qualify for this bonus, an existing tree must have a caliper of at least eight (8) inches.

(d) Trees of exceptional size, canopy, specimen type, age or historical value, upon verification of such status by the NDS Director, may be credited as up to four (4) trees of the same function group, for purposes of satisfying landscaping and screening requirements of any zoning district.

(e) Streetscape trees required by section 34-870 may be counted toward tree cover requirements.

~~(e) Within the city's list of approved plantings, the director shall designate any tree species that cannot be planted to meet minimum tree canopy requirements due to tendencies of such species to: (i) negatively impact native plant communities; (ii) cause damage to nearby structures and infrastructure; or (iii) which possess inherent physiological traits that cause such trees to structurally fail.~~

**Comment [LR10]:** If you provide a list of plantings that people are supposed to use, you don't need to also list plantings that can't be used. If they're not on the list, or not otherwise approved by the director, then they can't be used.

### **Sec. 34-870. - Streetscape trees.**

(a) Streetscape trees shall be planted along all existing or proposed public streets; ~~however, the following areas are exempt from the requirement of streetscape trees:~~

~~(1) Areas subject to a zero (0) building setback requirement, or~~

~~(2) Areas where the maximum permitted building setback is fewer than ten (10) feet.~~

**Comment [LR11]:** Review

(b) Streetscape trees shall be large canopy trees; however, upon a determination by the director that site conditions warrant smaller trees, a the director may approve the substitution of a medium canopy tree may be substituted.

(c) Streetscape trees shall be planted with even spacing in a row, at intervals sufficient to allow for their healthy growth and development.

**Comment [LR12]:** Review/ update spacing requirements?

(1) One (1) large tree shall be required for every forty (40) feet of road frontage, or portion thereof, if twenty-five (25) feet or more; or,

(2) Where permitted, one (1) medium tree shall be required for every twenty-five (25) feet of road frontage, or portion thereof, if twenty (20) feet or more.

(3) Where required along the edge of a parking lot (as set forth within section 34-873, one (1) large tree shall be required for every fifteen (15) feet of street frontage.

(4) There shall be a minimum distance of thirty (30) feet between a large and medium tree planted adjacent to one another. Flowering understory trees shall be planted in groups; there shall be a minimum distance of fifty (50) feet between such groups.

(d) Streetscape trees shall be planted outside existing and or-proposed rights-of-way, but within fifteen (15) feet of the edge of such rights-of-way; however:

- (1) Streetscape trees shall be planted within five (5) feet of the edge of the right-of-way within an entrance corridor overlay district, and
- (2) For certain parking lots adjacent to public rights of way (see section 34-873), streetscape trees shall be planted within ten (10) feet of the edge of the right-of-way.

- (e) ~~Street trees shall be planted between the curb and the edge of the sidewalk, (i) when the maximum yard allowed by building envelope standards is less than 10 feet, and (ii) when required by an applicable street typology. As an alternative to the requirements of subsection (d) above, streetscape trees may be planted in the city's existing or proposed rights of way with the approval of the director of neighborhood development services. Such approval shall specify placement and type(s) of trees to be planted. The developer must include a statement in the preliminary and final site plans guaranteeing the maintenance and, if deemed necessary by the City's arborist, replacement of any and all streetscape trees planted in the city's existing or proposed rights of way. When streets are planted within a public right of way, the required maintenance bond specified in Sec. 34-864 shall be provided for a minimum period of ~~Such guarantee by the developer for maintenance and/or replacement shall be in effect for a period of two (2) years from the date of planting.~~~~
- (f) In the case of a development subject to the Virginia Property Owners' Association Act, required streetscape trees ~~may shall~~ be designated as part of ~~the~~ common areas to be maintained by a property owner's association. Otherwise, maintenance of the required streetscape trees shall be the responsibility of the owner of the lot on which such trees are located.

Comment [RL13]: 34-864 covers when the bond protection starts

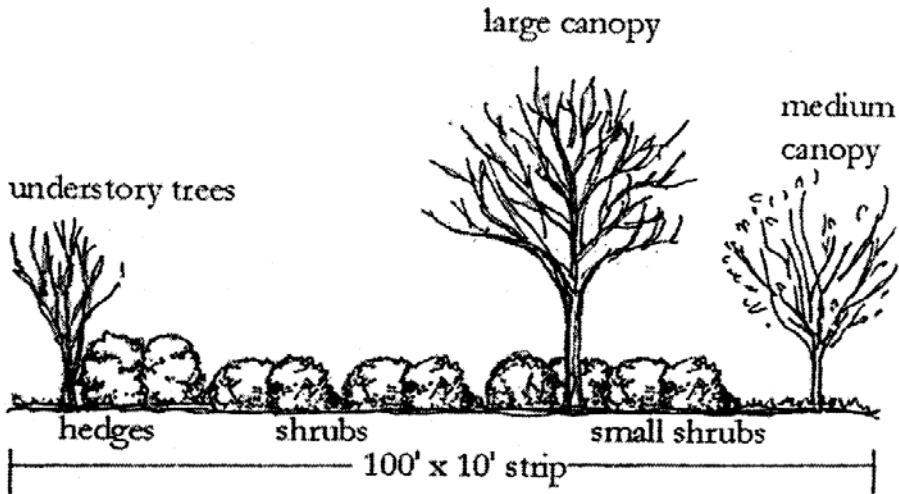
**Sec. 34-871. - Screening—Generally.**

- (a) For the purposes of this ~~chapter~~section, the terms "screening" and "screen" shall be deemed synonymous with "buffering" and "buffer."
- (b) When required by this chapter, screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination thereof, to the reasonable satisfaction of the director. The following types and categories of screening shall apply throughout this chapter:
- (c) **Screen 1 ("S-1").** The S-1 buffer/screen requires an open landscaping scheme, and is generally to be utilized between relatively similar land uses. Plantings allowed by the S-1 designation consist of ~~those listed in Table X, below the following~~ (an ~~applicant~~landowner has the option of selecting the combination of plantings from among options "A", "B" and "C" within this screen-type):

**Table X: S-1 Screen**

Screen <del>S</del> -1			
(Expressed as a number of plant units per square foot of area to be covered)			
Type of Plant	A	B	C
Large Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Medium Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Understory Trees	n/a	1/1000 SF	n/a

Evergreen Trees	n/a	n/a	1/350 SF
Shrubs	1/100 SF	1/100 SF	1/200 SF



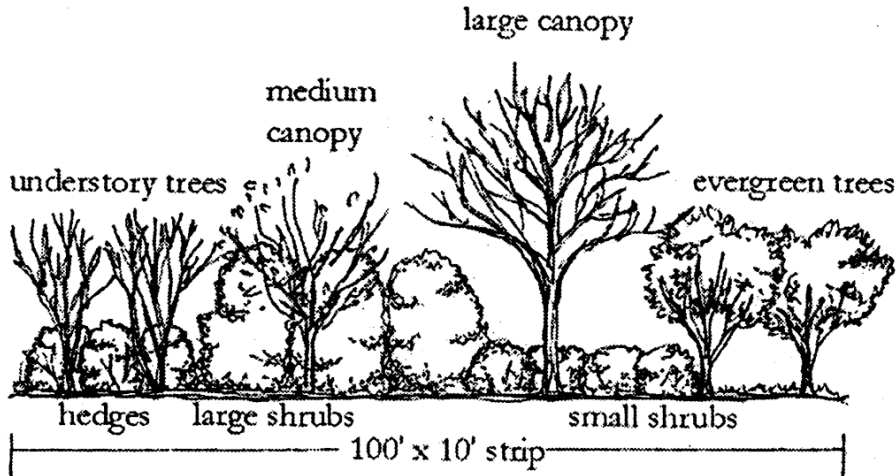
(d) **Screen 2 ("S-2").** The S-2 buffer/screen requires a semi-opaque landscaping scheme, which should partially block views between adjacent properties. This type of screening is generally to be utilized between dissimilar land uses, and the plantings allowed by the S-2 designation consist of [those listed in Table X, below the following](#)—(an [applicant/owner](#) has the option of selecting the combination of plantings from among options "A", "B" and "C" within a designated screen-type):

**Table X: S-2 Screen**

Screen <u>S-2</u>			
(Expressed as a number of plant units per square foot of area to be covered)			
Type of Plant	A	B	C
Large Canopy Trees	1/1000 SF	1/750 SF	1/1000 SF
Medium Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Understory Trees	n/a	1/500 SF	n/a



Evergreen Trees	1/500 SF	1/500 SF	1/175 SF
Shrubs	1/100 SF	1/100 SF	1/200 SF

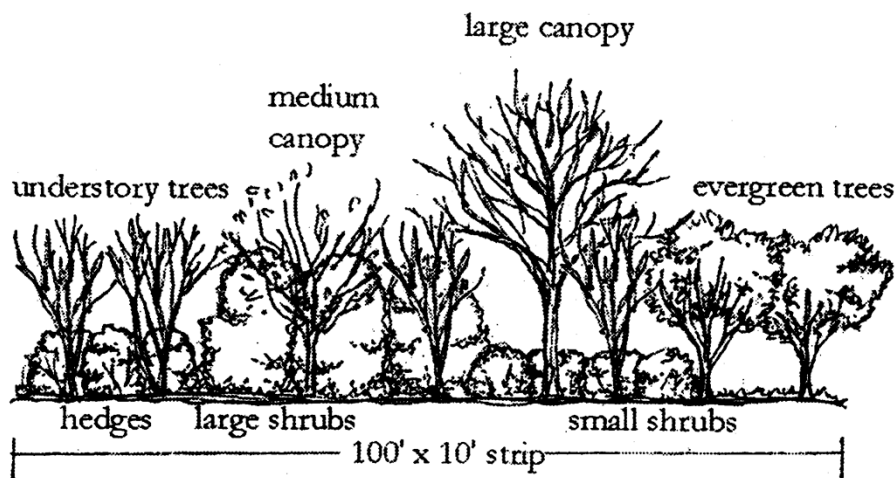


(e) **Screen 3 ("S-3").** The S-3 buffer/screen requires an opaque landscaping scheme, one that blocks views between two adjacent properties. This type of screening is for use between dissimilar land uses, where the maximum amount of visual shielding is desired. The plantings allowed by the S-3 designation consist of those listed in Table X, below the following (an applicant/landowner has the option of selecting the combination of plantings from among options "A", "B" and "C" within a designated screen-type). With the approval of the director, an opaque wall or fence may be utilized for, or as part of, a required S-3 screen. Where allowed, such wall or fence (including any gate(s) forming a portion of such structure) shall be at least six (6) feet tall, unless a different height is required by the city's traffic engineer for protection of or an alternate height deemed necessary by the director to protect required sight distances along a public right-of-way.

**Table X: S-3 Screen**

Screen <u>S-3</u>			
(Expressed as a number of plant units per square foot of area to be covered)			
Type of Plant	A	B	C
Large Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Medium Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF

Understory Trees	1/500 SF	1/250 SF	1/500 SF
Evergreen Trees	1/500 SF	1/500 SF	1/175 SF
Shrubs	1/100 SF	1/100 SF	1/200 SF



**Sec. 34-872. - Screening—Specific uses.**

(a) Unless otherwise specifically stated within the regulations for a particular zoning district, the following uses and developments shall be screened from adjacent low-density residential districts, with the type of screening specified:

~~(1) High density residential uses (for the purpose of this section, "high density" residential use means and includes any development containing dwelling units residential uses at a density of forty three (43) DJA or more), as follows:~~

~~a. Multifamily zoning districts: Where any portion of a multifamily development site containing abuts a low density residential district, there shall be provided a twenty-foot landscaped buffer between the development and such zoning district. Required screen type: S-2.~~

~~b. Mixed use zoning districts: Fifty (50) percent of the required yard or setback adjacent to the low density residential district shall consist of a landscaped buffer. Required screen type: S-2.~~

~~(12) Commercial uses and developments, screen type: S-3.~~

~~(23) Industrial uses and developments, screen type: S-3.~~

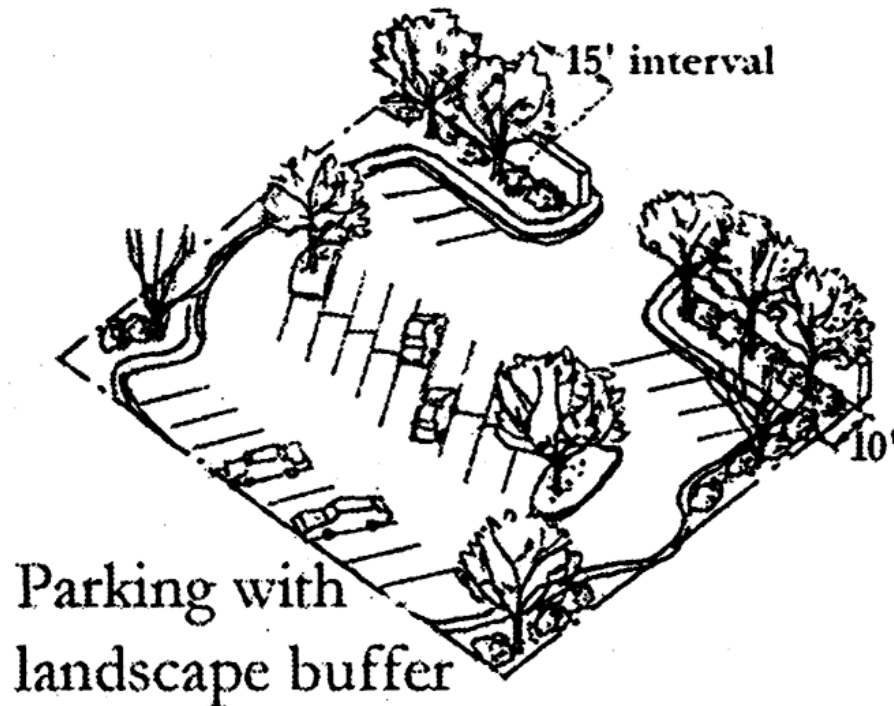
(b) All uses within the MR zoning district: (i) five (5) feet of the required front yard shall be planted with screen type: S-1, and (ii) ten (10) feet of a required side or rear yard shall be planted with screen type S-2.;

Comment [RL14]: Moved from 34-353(b)(6)

- (b) Due to their potential adverse impact on adjacent properties, certain other uses or facilities shall be screened from adjacent property and public rights-of-way, using an S-3 screen type:
- (1) Outdoor storage and loading areas—All outdoor storage and loading areas shall be screened from view from public rights-of-way and adjacent residential districts.
  - (2) Refuse areas—Dumpsters, outdoor trash receptacles and other, similar outdoor refuse containers shall be screened with an enclosure at a minimum height of one (1) foot above the height of the dumpster and with a minimum inside clearance at the opening of twelve (12) feet.
  - (3) Mechanical equipment—Mechanical equipment located on the roof of a building or structure shall be hidden behind a wall or other solid enclosure, extending no more than twelve (12) inches above the height of such equipment, such wall to be constructed of a material harmonious with the facade of the building or structure. Mechanical equipment located on the ground shall be screened from view from all public rights-of-way and from adjacent residential districts; an S-3 screen shall be provided, extending no more than twelve (12) inches above the height of such equipment. The screening materials shall be located in such a manner as will most effectively reflect noise away from adjacent residential districts.
  - (4) Junk yards—Junk yards shall be screened from view from all adjacent residential properties and public rights-of-way.
  - (5) Animal shelters and hospitals shall be screened from adjacent properties.
  - (6) All car washes shall be screened from adjacent properties.
  - (7) Gas stations shall be screened from adjacent properties.
  - (8) Other uses—Uses determined by the director to have adverse impacts similar to those listed above shall be screened from view from adjacent residential properties and public rights-of-way.

**Sec. 34-873. - Parking lots—Screening and interior landscaping.**

- (a) ~~[Defined.]~~ For the purposes of this section the term "parking lot" shall mean and refer only to a surface parking lot containing twenty (20) or more spaces.
- (b) *Street buffer.*



#### Street Buffer

- (1) A continuous landscaped buffer ten (10) feet in width shall be established between the edge of a parking lot and any adjacent public right-of-way. If right-of-way improvements are required within such frontage, then a continuous landscaped buffer having an average width of ten (10) feet may be provided. Where an existing parking lot is to be expanded, and the existing lot has a landscaped buffer adjacent to a right-of-way of less than ten (10) feet in width, but at least four (4) feet in width, then no additional buffer shall be required along such frontage. Streetscape trees required by section 34-870 shall be planted within the ten-foot landscaped buffer, and shall be integrated with other street plantings. If this requirement cannot be satisfied due to sight distance requirements, utility easements or other conflicting requirements, then the required landscaped buffer area shall be enlarged to accommodate the trees. If enlargement of the buffer area requires the relocation of required parking spaces, then any additional required street plantings may be counted toward interior landscaping requirements.
- (2) The required buffer shall consist of an S-3 screen materials ("street plantings"), other than trees, but shall not include any plantings of a size or any other material(s) that will obstruct any required sight triangle or sight distances. When plantings are used, the landscaped-required buffer shall include at least three (3) street plantings-different plant materials for every fifteen (15) feet of frontage, spaced at intervals of not more than four (4) feet. All plantings shall have a minimum height of eighteen (18) inches when planted. Plantings shall be evenly spaced in a row, at intervals sufficient to allow for their healthy growth and development.
- ~~(3) Streetscape trees required by section 34-870 shall be planted within the ten-foot landscaped buffer, and shall be integrated with other street plantings. If this requirement cannot be satisfied~~

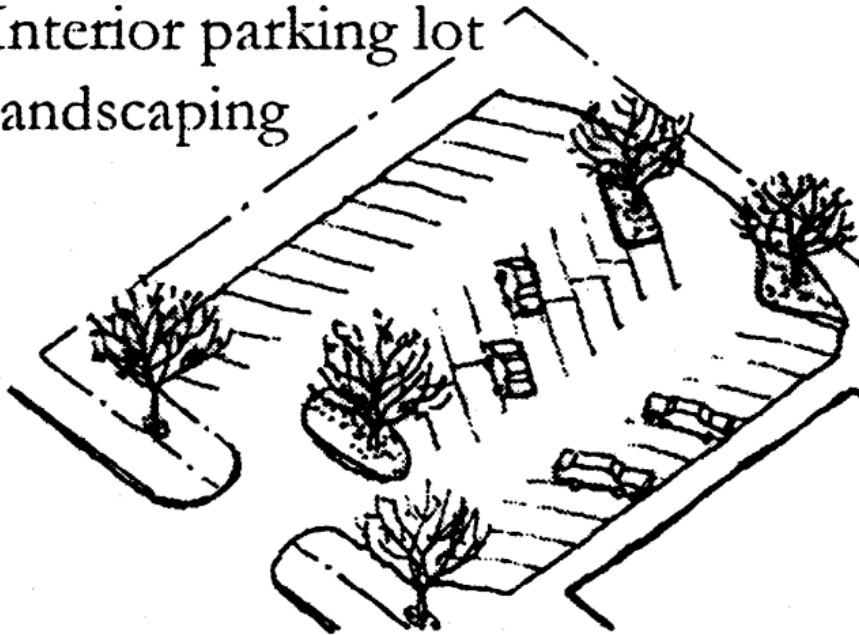
~~due to sight distance requirements, utility easements or other conflicting requirements, then the required landscaped buffer area shall be enlarged to accommodate the trees. If enlargement of the buffer area requires the relocation of required parking spaces, then any additional required street plantings may be counted toward interior landscaping requirements.~~

(c) *Adjacent property buffer.*

- (1) A continuous landscaped buffer at least five (5) feet in width shall be established between the edge of a parking lot and an adjacent property, where there is no intervening public right-of-way.
- (2) The required buffer shall consist of an S-2 screen~~materials~~. One (1) large tree and three (3) shrubs shall be planted for every fifteen (15) feet of length of the property line. Plants shall be evenly spaced in a row, at intervals sufficient to allow for their healthy growth and development.
- (3) If the edge of a parking lot abuts another parking lot on an adjacent property, and the other ~~existing~~ lot has an existing landscaped buffer area of at least four (4) feet wide, then no additional buffer shall be required.

(d) *Interior parking lot landscaping.*

## Interior parking lot landscaping



### Interior Parking Lot Landscaping

- (1) In addition to the other applicable requirements of this section, an area equal to five (5) percent of the gross area of a parking lot shall be landscaped with trees or shrubs ("interior landscaped area").
  - a. No interior landscaped area shall be less than one hundred forty-five (145) square feet, or have a width of less than nine (9) feet.

- b. Paved storage areas serving a warehouse use may be excluded from the calculation of gross area of a parking lot.
  - c. Plantings immediately adjacent to (i.e., within fifteen (15) feet) a building shall not be counted toward interior landscaping.
  - d. Buffers required by the preceding paragraphs, shall not be counted toward interior landscaping requirements.
  - e. A landscaped island or other physical barrier shall separate parking areas from any entrance or exit to the parking lot.
- (2) Interior landscaped areas shall consist of at least one (1) tree, and at least three (3) shrubs, per eight (8) parking spaces or portion thereof. Interior landscaped areas with an area of less than 300 square feet shall be planted with at least one (1) medium tree; those having an area of 300 square feet or more shall contain at least one (1) large tree, or two (2) medium trees.
- (3) Interior landscaping shall be placed in reasonably dispersed planting islands. When screening is required along the frontage of public streets, the director shall determine if the street tree requirement has been met.

(e) Buffers shall be designed and constructed with materials that will ~~to~~ filter stormwater runoff from paved surfaces.

**Sec. 34-874. - Parking lots.**

(a) Each parking space within ~~a the~~ parking lot shall be provided with a six (6)-inch high concrete chock securely fastened in place, ~~if deemed necessary by the planning commission.~~

~~(b) Off-street parking areas shall have improved surfaces meeting the requirements of section 34-982. Slopes shall be as required by section 34-981.~~

~~(be)~~ A rail, fence, wall or other continuous barricade of a height sufficient to retain all cars completely within a parking area ~~the property~~ shall be provided, except at exit or access driveways.

(d) The general standards applicable to off-street parking, as set forth within Article IX, Division 2 (section 34-970, et seq.) shall apply to parking lots. ~~The planning commission shall approve all~~ Entrances and exits for parking lots shall be ~~subject to the provisions of section 34-976. Signs indicating the location of entrances and exits may be required by the traffic engineer. The planning commission may require entrance and exit signs.~~

**Sec. 34-875. - Multifamily and mixed-use developments—Landscaping requirements.**

(a) Multifamily and mixed-use developments shall provide ~~Within the R-3 districts, recreational areas for multifamily developments shall provide~~ a landscaped area having, at a minimum, an area of twenty-five (25) percent of the total square footage of required recreational facilities.

(b) Within the city's mixed use ~~corridor~~ districts, all required yards setback areas shall be landscaped, as more specifically provided within applicable zoning district regulations ~~the setback requirements of Article IV.~~ This requirement shall apply in addition to any ~~required~~ screening/buffering required to be located within such areas.

**Secs. 34-876—34-879. - Reserved.**

**DIVISION 3. - OFF-STREET PARKING AND LOADING**

**Sec. 34-880. - Requirements.**

Off-street parking (also referred to as "on-site parking"), onsite vehicular circulation, and and vehicle loading facilities shall be provided in accordance with Article IX, sections 34-970, ~~et seq.) of this chapter.~~

**Comment [RL15]:** These generally-applicable requirements don't need to be re-stated here.

Secs. 34-883—34-895. - Reserved.

## DIVISION 4. - ACCESS AND PEDESTRIAN WAYS

### Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public ~~streets~~roads, designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. ~~The or these ends the director or the commission, in the review of a site plan, may specify the~~ number, type, location and design of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, ~~shall be in accordance with the Standards and Design Manual.~~
- (b) Each entrance and exit onto any public ~~street~~ road for vehicular traffic to and from a development shall be ~~subject to approval of the director or commission. All such entrances shall be~~ designed and constructed in accordance with the ~~requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual. For a development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled.~~
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a ~~residential~~ development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all ~~buildings dwellings and~~ not subject to flooding shall be provided.
- (d) ~~Travel~~ The commission or director may require provision for, and/or construction of, travel lanes or driveways shall be provided to serve adjacent lots, when adjoining properties when necessary in accordance with engineering and safety requirements.
- ~~(e) On-site parking and circulation shall be designed and constructed in accordance with Sec. X off-street parking and loading requirements, subject to city engineer approval in accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications and subject to the director's determination that the vehicular circulation patterns provided are safe and convenient.~~
- (f) ~~Developments containing dwelling units Multifamily developments having at~~ a density greater than ~~2143~~-DUA must have access on a public collector or arterial street, or have access to a collector or arterial street within two hundred (200) feet along a fifty-six-foot right-of-way developed to city street standards.

Comment [LR16]: Move standards governing the # of entrances/ exits to SDM

Comment [RL17]: The reference to parking/circulation is previously stated in 34-880

### Sec. 34-897. - Pedestrian walkways.

- (a) A pedestrian access and circulation system shall be provided for every development, and shall be designed so as to provide for safe, attractive and convenient pedestrian travel. Provision shall be made for sidewalks and pedestrian walkways which will enable pedestrians to walk safely and conveniently between buildings on the site, and from the site to adjacent property. When feasible, pedestrian underpasses or overpasses are encouraged in conjunction with major vehicular routes. Provision shall be made, where appropriate, for pedestrian walkways in relation to private and public areas of recreation and open space, such as schools, parks, gardens, hiking trails, and areas of







~~installed shall be required to maintain them a description of the maintenance to be provided for such ponds.~~

- (4) ~~On-site detention design is intended to~~ Stormwater management facilities and BMPs shall be designed to restrict post-development runoff to no more than the calculated predevelopment runoff. ~~For new or redevelopment sites~~ The design storm shall be the ten-year storm, or a two-year storm when calculated as if the site were totally vacant in the predevelopment stage, whichever is greater.

(5) In cases where a hillside must be graded for construction, suitable protection for the hillside must be provided for slopes in excess of ten (10) percent. Such protection shall be in the form of terracing, retaining walls, planting of suitable vegetation or a combination of the above in order to avoid excessive runoff and soil erosion.

**Sec. 34-914. - Areas and uses subject to subdivision ordinance.**

- (a) The following public areas, facilities and uses shall be provided in accordance with Chapter 29, article IV ~~the standards set forth within the city's subdivision ordinance:~~
- (1) ~~Public streets and related facilities~~ Streets and roads (including, without limitation, access for emergency vehicles) and sidewalks and public pedestrian paths;
- (2) Water, sewer and other utilities (including, without limitation, electric power, telephone and cable television);
- (b) All dedications of property and easements for public facilities, utility and drainage easements outside the existing public rights-of-way of public streets or existing utility easements shall be accurately shown on the final site plan for a development, provided that the boundaries of every new public street, and every new easements shall ~~may generally~~ be shown within a separate survey plat suitable for recording in the city's land records, along with a deed of dedication and/or deed of easement and accurately dedicated by separate plat.
- (c) Construction or installation of utilities ~~Utility installation~~ in public streets and rights-of-way shall be coordinated in accordance ~~with~~ street construction plans and profiles approved by the city engineer.

**Secs. 34-915—34-929. - Reserved.**

**DIVISION 6. - ADDITIONAL STANDARDS FOR SPECIFIC USES**

**Sec. 34-930. - Car washes.**

- (a) *Automatic car washes.*

(1) .....

~~(9) Any light used to illuminate the area shall be in conformance with the regulations set forth in Article IX, sections 34-1000, et seq. (outdoor lighting regulations).~~

- (b) *Self-service car washes.*

(1) .....

~~(7) Any light used to illuminate the area shall be in conformance with the regulations set forth in Article IX, sections 34-1000, et seq. (outdoor lighting regulations).~~

**Sec. 34-931. - Gas stations.**

- (a) Specifications for driveway entrances:

(1) *Minimum driveway width:* Thirty (30) feet.

**Comment [RL24]:** This requirement is generally applicable. No need to restate for each of these special uses.



(k) In order to preserve sight distances for service stations located on street corners, a required corner yard shall be provided within an area defined by a straight line drawn between curb cuts. This required corner yard area shall be landscaped with low profile plants having a height of not more than three (3) feet at maturity. The required corner yard shall be unobstructed by any buildings or structures, except that signs or light fixtures otherwise permitted by this chapter may be placed within the corner yard~~this area~~.

(l) All trash shall be stored within a building or within a fenced enclosure in the rear (or in the case of corner sites, rear quarter of the site).

~~(m) In cases where a hillside must be graded for construction suitable protection for the hillside must be provided for slopes in excess of ten (10) percent. Such protection shall be in the form of terracing, retaining walls, planting of suitable vegetation or a combination of the above in order to avoid excessive runoff and soil erosion.~~

(n) An attendant shall be responsible for overseeing the pumping of gasoline or related fuels.

~~(o) Any light used to illuminate the area shall be in conformance with the regulations set forth in Article IX, sections 34-1000, et seq. (outdoor lighting regulations).~~

Comment [RL25]: Moved to sec. 34-913 (drainage). This provision doesn't appear to have unique applicability/ protection for a gas station

### Sec. 34-933. - Animal shelters, boarding facilities and hospitals.

(a) All animal shelters, animal boarding/grooming facilities, kennels, and veterinary clinics shall be reasonably soundproofed from neighboring residential and commercial uses.

(b) Drainage from the building interior, and from outside runs and pens, shall go to a sanitary sewer system.

Comment [RL26]: If they are sound proofed, why aren't they allowed in more locations?

### Sec. 34-934. - Parking garages.

(a) The standards set out in this section ~~apply to shall be followed in developing site plans for~~ parking garages which contain more than ten (10) contiguous spaces.

(b) Entrances and exits shall be as far as practicable from street intersections and shall be located so as to result in the least possible interference with traffic movement on abutting streets.

(c) Not less than one (1) exit lane shall be provided for each two hundred (200) parking spaces, or major fraction thereof.

(d) Driveway widths at the street line shall be not less than twenty (20) feet for driveways accommodating one (1) lane of traffic and twenty-four (24) feet for driveways accommodating two (2) lanes of traffic. In no case shall any driveway width at the street line be greater than thirty-six (36) feet.

(e) All portions of the structure used for parking of vehicles shall be adequately illuminated during the hours of use by natural light, or by artificial lighting compliant with applicable USBC requirements with an intensity of not less than four (4) footcandles measured at floor level.

(f) The parking garage shall be constructed in such a manner as to screen from outside street level view any vehicles parked therein; provided, however, that entrances and exits shall be exempt from this requirement.

Comment [LR27]: Review

### Sec. 34-935. - Bed and breakfast establishments facilities.

~~Each A~~ bed and breakfast and each bed and breakfast inn (each, a "lodging use") of any type, where allowed within a residential district, shall be subject to the following regulations:

(1) ~~A bed and breakfast homestay shall be permitted only in accordance with Sec. X where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling. Prior to issuance of a building permit (i) for construction of a new bed and breakfast inn, or (ii) for construction of any addition(s) requiring a building permit to an existing building, where the addition(s) are to be used for or in connection with a bed and~~

~~breakfast inn, the landowner shall obtain approval of a site plan. Prior to establishment of a bed and breakfast use, a landowner shall obtain a zoning verification from the NDS Director.~~

- (2) In addition to the ~~individuals who occupy the resident(s) of the dwelling as their residence~~, not more than ~~one (1) other person may be engaged in the activities of a bed and breakfast homestay and two (2) other individuals persons may be engaged on-site in the activities of the lodging use a bed and breakfast facility in all other bed and breakfast categories.~~ There must be one off-street parking space available for each staff person in addition to bed and breakfast off-street parking requirements.
- (3) Deliveries of supplies associated with the ~~lodging use bed and breakfast~~ shall occur only between the hours of 8:00 a.m. and 6:00 p.m.
- (4) No mechanical or electrical equipment shall be employed within or on the premises, other than machinery or equipment customarily found in a residential dwelling.
- (5) No outside display of goods, and no outside storage of any equipment or materials used in the ~~lodging use bed and breakfast~~ shall be permitted.
- (6) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the ~~lodging use bed and breakfast~~ beyond the confines of the single-family dwelling, or an accessory building, including transmittal through vertical or horizontal party walls.
- (7) There shall be no sales of any goods, other than goods that are accessory to a service delivered on-premises to a ~~guest within the lodging use customer or client of the business.~~
- (8) All parking in connection with the ~~lodging use bed and breakfast~~ (including, without limitation, parking of vehicles marked with advertising or signage for the bed and breakfast) must be in a ~~the~~ driveway, parking lot or garage ~~areas~~ on the premises.
- ~~(9) Off-street parking shall be provided in accordance with section 34-984.~~
- (10) One (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the ~~one building dwelling or an accessory structure~~ to indicate the presence or conduct of the ~~lodging use bed and breakfast~~. This sign may not be lighted. In all other respects the property ~~on which the lodging use is located from which the bed and breakfast is to be conducted~~ must be in compliance with the sign regulations set forth within sections 34-1020, et seq. of this Code.
- (11) Except for the sign authorized by subparagraph (8) above, there shall be no evidence or indication visible from the exterior of ~~any building the dwelling~~ that the ~~lot dwelling~~ is being utilized in whole or in part for any ~~use purpose~~ other than residential occupancy as a residential dwelling.
- (12) ~~Each lodging use Bed and breakfast establishments~~ shall obtain a city business license (or a statement from the commissioner of revenue that no city business license is required) and a certificate of occupancy or other written indication from the city's building code official that use of the ~~building(s) for lodging dwelling or accessory structure for the bed and breakfast~~ is in compliance with all applicable building code regulations.
- (13) ~~Guest The guest~~ rooms shall be offered for rental ~~or lease~~ by the day. The maximum length of stay is limited to ninety (90) days in a three hundred sixty-five-day period.
- (14) The owner or resident manager shall keep a current guest register including names, addresses, and the dates of occupancy of all guests.
- (15) Where ~~a lodging use bed and breakfast establishments are is~~ allowed only by special use permit, the ~~city council planning commission may, for reasonable cause shown, grant an exception to, expand or modify or waive any the requirement(s) of this section, subject to suitable conditions or safeguards, whenever public necessity, convenience, general welfare or good zoning practice requires.~~ above upon finding that strict application of these standards would not forward the purposes of this chapter or otherwise serve the public health, safety,

**Comment [RL28]:** Don't repeat a generally-applicable regulation

welfare, or that alternatives proposed by the owners would satisfy the purposes of these regulations to at least an equivalent degree.

### Sec. 34-936. - Single room occupancy facility.

- (a) A landowner seeking approval of a n application for a special use permit for a single room occupancy facility (SRO) shall include with its special use permit application all of the documents required for an application for a special use permit under section 34-158 and a preliminary site plan as required by section 34-827. The applicant shall also provide an outline of operational policies, rules and regulations for the SRO facility and a description of the supportive services that will be provided to for the SRO's residents.
- (b) ~~In determining whether to grant a special use permit for a single room occupancy facility, in addition to other general criteria, the city council shall consider:~~
- ~~(1) The proximity of the proposed facility to mass transit lines and to retail, medical, recreational, employment centers and other services necessary to support the residents of the facility;~~
  - ~~(2) The proposed layout of the site, including open space and landscaping;~~
  - ~~(3) The massing and scale of the project and the compatibility of the proposed building with nearby residential and commercial areas; and~~
  - ~~(4) The information required by subsection (a) above.~~
- (be) The following regulations apply to SROs~~Single room occupancy facilities shall be subject to the following standards:~~
- (1) Double occupancy units shall not make up more than fifteen (15) percent of the gross floor area of an SRO facility;
  - (2) The maximum number of dwelling single room occupancy units in the SRO facility shall be established by city council and expressly stated within the special use permit, irrespective of the maximum dwelling unit density permitted in the zoning district in which the facility is located. In addition to general criteria for special permits and the requirements in subsection (b) above, city council may consider surrounding density and adjacent land uses.
  - (3) Twenty-four-hour on-site management of the SRO must be provided, including a manager who shall reside in a unit within the facility. The manager must have authority to administer and enforce the SRO's policies, rules and regulations enforcement shall be reviewed as part of the special use permit.
  - (4) There shall be one (1) parking space provided for every three (3) dwelling units within the SRO, plus one (1) space for each employee, based on largest shift, provided that city council may modify this requirement allow a lesser number as part of the special use permit.
  - (5) There shall be bicycle storage space to accommodate one (1) bicycle space for every four (4) dwelling units.
  - (6) The SRO facility must be located within one-fourth (¼) mile of an active public transit stop.
  - (7) Laundry facilities shall be required, as follows: one (1) washer and one-half (½) dryer for every eight (8) dwelling units, plus one (1) additional dryer for every sixteen (16) dwelling units. There shall be a minimum of two (2) washers and two (2) dryers within the SRO on-site.
  - (8) Each dwelling unit within an SRO units shall be used for residential occupancy the purpose of providing affordable housing and shall not be used as lodgings serve the purpose of recreational or travel needs.

**Comment [RL29]:** All of this is within the council's general legislative authority to determine whether the proposed use will be in accordance with public necessity, convenience, general welfare or good zoning practice.

**Comment [RL30]:** See comment, preceding above. Its not necessary to state these things.

### Sec. 34-937. - Electronic gaming cafés.

Electronic gaming cafés are prohibited as an ancillary use.

**Secs. 34-938—34-959. - Reserved.**

## **DIVISION 6. - STANDARDS FOR TOWNHOUSES.**

### **Sec. 34-386. - Applicability.**

The standards set forth within this division shall apply to townhouse developments, wherever permitted within the city. In the event of a conflict between these standards and those generally applicable within a particular zoning district, the standards within this division shall govern.

### **Sec. 34-387. - Groupings.**

- (a) No more than eight (8) townhouses shall be included within any grouping ("row").
- (b) The facades of townhouses within a townhouse development may be varied by changed front yards, varied architectural features or designs, roof lines, etc.
- (c) Required distance between any two (2) rows of townhouses: Ten (10) feet, minimum.

### **Sec. 34-388. - Dimensional requirements.**

- (a) The minimum area of a site containing a townhouse development shall be twelve thousand (12,000) square feet.
- (b) Within a townhouse development, there shall be an average minimum lot width (measured at the front building line) of twenty (20) feet; in no case shall any lot frontage be less than sixteen (16) feet. Lot width for end units shall be adequate to provide required front and side yards. Each individual townhouse unit shall have frontage on a dedicated public street, or on a private street.
- (c) No townhouse shall exceed a height of forty-five (45) feet.

### **Sec. 34-389. - Reserved.**

### **Sec. 34-390. - Access.**

If access to a townhouse development is to be provided by means of a private street or access easement, the following minimum standards shall be observed:

- (1) Minimum pavement width: Twenty-four(24) feet, exclusive of parking.
- (2) Concrete curb and gutter: Required on both sides of the street or easement.
- (3) Sidewalks: sidewalks of at least five (5) feet in width must be provided on at least one (1) side of the street or easement.
- (4) The radius for all cul-de-sacs shall be at least forty (40) feet, to be paved to a minimum radius of thirty-five (35) feet.
- (5) Trees shall be planted along the frontage of the street/easement, at fifty (50) foot intervals (maximum).

### **Sec. 34-391. - Common areas.**

Within a townhouse development, open space and common areas (including, without limitation, the amenities required within section 34-366), and all buildings, structures, facilities, lighting and landscaping located therein, shall be and remain, for the life of the development, under ownership of a single individual, entity or association responsible for maintenance thereof. The developer of a townhouse development shall demonstrate to the satisfaction of the city that this requirement is satisfied, prior to issuance of any building permit(s) for construction within such development.

**Comment [RL31]:** Reference current provisions within ZO sec. 34- 386 et seq. (within Residential districts)

This section needs a substantive update!

Secs. 34-392—34-405. - Reserved.

**DIVISION 7. CERTAIN RESIDENTIAL DEVELOPMENTS**

**Sec. 34-366. - Required amenities—Certain R-3 developments.**

(a) The following amenities are required for developments containing multifamily dwellings or townhouses, within the city's R-3 zoning districts:

- (1) Laundry facilities shall be required, as follows: one (1) washer and one-half (½) dryer for every eight (8) units, plus one (1) additional dryer for every sixteen (16) units; minimum: two (2) washers and two (2) dryers.
- (2) Storage facilities (other than that within the dwelling units): Three (3) square feet per bedroom, minimum.
- (3) Recreational areas and other amenities:

<u>Dwelling Unit</u>	<u>Required Space</u>
<u>Studio</u>	<u>100 SF of adult space</u>
<u>1 bedroom unit</u>	<u>200 SF of adult space</u>
<u>2 bedroom unit</u>	<u>200 SF of adult space plus 20 SF of child space</u>
<u>3 bedroom unit</u>	<u>200 SF of adult space plus 40 SF of child space</u>
<u>4+ bedroom unit</u>	<u>200 SF of adult space plus 60 SF of child space</u>

(b) For the purposes of this section, the term "child use space" shall refer to facilities such as tot lots, playgrounds, nursery or daycare facilities, etc.; the term "adult space" shall refer to facilities such as rooftop or other terraces; physical fitness facilities; swimming pools; meeting and other activity rooms; libraries; gathering/shared use spaces, etc.

(c) Required recreational areas shall be subject to the following additional requirements:

- (1) An area equal to twenty-five (25) percent of the total square footage of required recreational facilities shall consist of indoor or weather-protected facilities, so as to be usable year-round.
- (2) All recreational facilities shall be completely constructed, or sufficiently bonded to insure completion of construction, prior to issuance of any certificate of occupancy for the multifamily development, or any portion thereof.

**Sec. 34-367. - Bedrooms—Limitation of number in R-UMD and R-UHD Districts.**

Within the R-UMD and R-UHD zoning districts, the number of bedrooms permitted within a development containing three or more residential dwellings shall be restricted as follows:

(1) *Density of 3-21 DUA:*

R-UMD: Eighty-four (84) bedrooms per acre, maximum; not more than four (4) bedrooms per dwelling unit

**Comment [RL32]:** Reference current provisions of ZO sec. 34-366 et seq (within the Residential district regulations)

**Comment [RL33]:** The NDS director cannot administratively modify the requirements of an ordinance.

**Comment [RL34]:** Is there a way to streamline this? Perhaps just establishing one maximum # bedrooms per acre in UHD and UMD?

Can this be moved, and made more generally applicable to developments in other zoning districts, as well?



R-UHD: Eighty-four (84) bedrooms per acre, maximum; not more than four (4) bedrooms per dwelling unit

(2) Density of 22-64 DUA:

R-UMD: One hundred fifty (150) bedrooms per acre, maximum; not more than:

Four (4) bedrooms per dwelling unit (units attributable to density of up to twenty-one (21) DUA), and

Three (3) bedrooms per dwelling unit (units attributable to density in excess of twenty-one (21) DUA)

R-UHD: Two hundred fifteen (215) bedrooms per acre, maximum; not more than:

Four(4) bedrooms per dwelling unit (units attributable to density of up to twenty-one (21) DUA), and

Three (3) bedrooms per dwelling unit (units attributable to the density in excess of twenty-one (21) DUA)

(3) For densities in excess of sixty-four (64) DUA approved by special use permit within the R-UHD district, the city council may establish reasonable conditions limiting the number of bedrooms per dwelling unit.

**Sec. 34-369. – Non-residential uses.**

(a) Non-residential retail or service uses, where permitted, are subject to the following:.

- (1) Non-residential retail or service uses shall be located within a subdivision or development to be served by such uses. Such uses shall, collectively, have a GFA of not more than seventy (70) square feet per dwelling unit within the same subdivision or development, and no single non-residential use shall occupy an area of more than one thousand (1,000) square feet; and
- (2) Non-residential retail or service uses shall be located on the ground floor of a building. No residential use shall occupy any floor below a non-residential use within the same building.

**Multifamily dwelling With Ground Floor Non-residential Uses:**



- (3) Each such use may have a non-illuminated identification sign, having an area of not more than two (2) square feet, that rests flat upon the facade of the building in which such use is located, or such signage as may be permitted within Article IX, Division 4, section 34-1020, et seq., whichever is more restrictive.

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(4) No non-residential retail or service use shall operate any delivery service(s), other than to occupants of a building in which it's located.

(b) Property management offices are permitted as ancillary uses within a multifamily or townhouse development that contains ten (10) or more dwelling units, subject to the following:

(1) Property management offices shall be subject to the requirements of (a), above;

(2) When located within a townhouse development, a property management office shall be within a building that, from the exterior, appears to be one of the townhouse units;

(3) A property management office may have one (1) non-illuminated sign, having an area of not more than four (4) square feet, or such signage as may be permitted within Article IX, Division 4, section 34-1020, et seq., whichever is more restrictive; and

(4) No mechanical equipment, other than equipment normally used within a residential household or office, shall be housed or utilized within the property management office.

## **DIVISION 8. AFFORDABLE HOUSING**

### **Sec. 34-XXX. Affordable dwelling units.**

**Comment [RL35]:** Reference current ZO Sec. 34-12

(a) Upon approval of a rezoning or special use application approving a residential project, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 floor-area ratio (FAR), or an equivalent density based on units per acre, the applicant shall provide on-site affordable dwelling units as part of the project, and the total gross square footage of such units shall be five (5) percent of the amount of the gross floor area of the project that exceeds 1.0 FAR or an equivalent density based on units per acre.

(b) For purposes of this section, "applicant" shall mean the person or entity submitting a rezoning or special use application for approval of a residential or mixed-use project that contains residential dwelling units in the city and shall include the successors or assigns of the applicant.

(c) For purposes of this section, "affordable dwelling units" means dwelling units that are affordable to households with incomes at not more than 80% of the area median income and that are committed to remain affordable for a term of not more than thirty (30) years. However, the city may establish a minimum term as it deems necessary to ensure the establishment of committed affordable dwelling units provided pursuant to subsection (a), above, or (d)(1), below.

(d) As an alternative, upon approval of a rezoning or special use application approving a residential project, or the residential portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre, the applicant may elect to provide any one (1) of the following:

(1) Affordable dwelling units at an off-site location in the city, the total gross square footage of such units shall be five (5) percent of the amount of the gross floor area of the project that is over 1.0 FAR, or an equivalent density based on units per acre; or

(2) A cash contribution to the city's affordable housing fund, which contribution shall be calculated as follows for each of the density tiers described below:

a. Two dollars (\$2.00) per square foot of gross floor area for residential projects greater than 1.0 FAR or an equivalent density based on units per acre.

b. For mixed-use projects, cash contributions shall be calculated by applying the proportionate amount of residential gross floor area at two dollars (\$2.00) per square foot.

(e) The cash contribution shall be indexed to the Consumer Price Index for Housing in the South Urban Region as published by the Bureau of Labor Statistics and shall be adjusted annually based upon the changes made in January to such index.

(f) Except as otherwise provided, upon approval of a rezoning or special use permit that is subject to this section, any site plan submitted for review in conjunction therewith shall be acted upon by the director of neighborhood development services or planning commission within twenty-one (21) days after the date such plan was officially submitted.

(g) The city council may from time to time adopt regulations by resolution, for the administration of the provisions of this section. Pursuant to section 34-82(b)(1), the failure of any person to comply with such regulations shall constitute unlawful conduct in violation of this section.