



# City of Petersburg Virginia

www.petersburgva.gov

## City Council Meeting

**November 19, 2024**  
**Petersburg Library**  
**201 W. Washington Street**  
**Petersburg, VA 23803**  
**5:00 PM**

### City Council

Samuel Parham, Mayor – Ward 3  
Darrin Hill, Vice Mayor – Ward 2  
Marlow Jones, Councilor – Ward 1  
Charles Cuthbert, Jr., Councilor – Ward 4  
W. Howard Myers, Councilor – Ward 5  
Annette Smith-Lee, Councilor – Ward 6  
Arnold Westbrook, Jr., Councilor – Ward 7

### City Administration

John "March" Altman, Jr. - City Manager  
Anthony Williams - City Attorney  
Tangi R. Hill - City Clerk

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1. **Roll Call**
  2. **Prayer**
  3. **Pledge of Allegiance**
  4. **Determination of the Presence of a Quorum**
  5. **Proclamations/Recognitions/Presentation of Ceremonial Proclamations**
    - a. Richard Bland College to Transition to an Independent Governance Structure - Pages 4-26
    - b. 2nd Accreditation Award to the Petersburg Bureau of Police from the Virginia Law Enforcement Professional Standards Commission (VLEPSC) and the Virginia Law Enforcement Accreditation Coalition (VALEAC)
    - c. Recognition of Petersburg Fire Department (Francis Road Fire)
  6. **Responses to Previous Public Information Posted**
  7. **Approval of Consent Agenda (to include minutes of previous meetings):**
    - a. Minutes of Previous Meetings: - Pages 27-30  
-November 6, 2024 Closed Session Meeting
    - b. First Reading and Schedule a Public Hearing on an Ordinance to Amend the City Charter to Add Section 2-1.2 to Provide for Non-Partisan Elections of Members of Council - Pages 31-33
    - c. First Reading and Schedule a Public Hearing of an Ordinance to Amend Chapter 3-16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes - Pages 34-47
    - d. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs - Pages 48-89
    - e. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Alternative Financial Institution/Short-Term Loan Establishment and Small Box Discount Store Uses Within the City - Pages 90-165

- f. First Reading and to Schedule a Public Hearing to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Tire Sale and Service Uses Within the City - Pages 166-185
- g. First Reading and to Schedule a Public Hearing for the Consideration of an Ordinance to Amend and Reenact Section 86-31, Limitation on the Number of Pawn Shops, Article II - Pawnbrokers, and of Chapter 86, Secondhand Goods of the Petersburg City Code - Pages 186-187
- h. First Reading and Schedule a Public Hearing for Consideration of an Appropriation/Grant from the VA Department of Housing and Community Development (DHCD)/Main Street Program - Pages 188-191

## 8. Official Public Hearings

- a. A Public Hearing for Consideration of an Appropriation Ordinance for State Aid to Public Libraries Additional Funding - Pages 192-195
- b. A Public Hearing for Consideration of Acceptance & Appropriation of Funding from the Virginia Department of Criminal Justice Services for the 2024 Operation Ceasefire Grant - Pages 196-200
- c. A Public Hearing for Consideration of Acceptance & Appropriation of the FY25 Cameron Foundation Grant for the Recreation & Leisure Department - Pages 201-204
- d. Public Hearing of an Ordinance to Rezone Property at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, Parcel IDs 051070002, 051070001, 051070802, and 051070023, from the R-1 Single-Family Residence and B-2 General Commercial Districts to the RTH Residential Townhouse District - Pages 205-248
- e. A Public Hearing of an Ordinance for a Special Use Permit for a Vehicle Removal Operator and Associated Vehicle Storage and Tow Lot on Property at 1700 Midway Avenue, Parcel ID 028310001, in a M-1, Light Industrial District - Pages 249-272
- f. A Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Data Center Uses - Pages 273-324
- g. A Public Hearing of an Ordinance to Amend and Readopt Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Administrative Clarifications on Development of Contiguous Nonconforming Lots Under Common Ownership and Requirements for Public Notice - Pages 325-260

## 9. Public Information Period

**A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:**

- a. **First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,**
- b. **Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting removed from consent agenda**

- 10. Business or reports from the Mayor or other Members of City Council**
- 11. Items removed from Consent Agenda**
- 12. Finance and Budget Report**
- 13. Unfinished Business**
  - a. Consideration of Appointment to the Petersburg Arts Council - Pages 361-362
  - b. Consideration of Appointment to the Community Development Block Grant (CDBG) Citizen Advisory Board - Pages 363-364
  - c. Consideration of Appointment to the Planning Commission - Pages 365-366
  - d. Consideration of Appointment to the Petersburg Redevelopment Housing Authority - Pages 367-368
- 14. New Business**
  - a. Presentation of the 2025 Legislative Agenda - Pages 369-375
- 15. City Manager's Report and Special Reports**
- 16. Business or reports from the Clerk**
- 17. Business or reports from the City Attorney**
- 18. Adjournment**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:**  
**FROM:**  
**RE:** Richard Bland College to Transition to an Independent Governance Structure - Pages 4-26

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**PURPOSE:**

**REASON:**

**RECOMMENDATION:**

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. Petersburg City Council Update 11.19.2024 (RBC)



Richard Bland College  
*of* WILLIAM & MARY

# Petersburg City Council Meeting

November 19, 2024



*Established*

**1960**

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**General Assembly Establishes  
Richard Bland College**





# At A Glance

**51%**

First Generation

**58%**

Students of color

**76%**

Full-time professors

**18,000+**

ALUMNI worldwide

**2,950**

Total Student Enrollment

**+27%**

Dual Enrollment

**\$7M+**

Financial assistance  
awarded



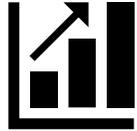
# Fall 2024 Incoming Class



40% live on campus



Avg. incoming  
GPA: 3.0



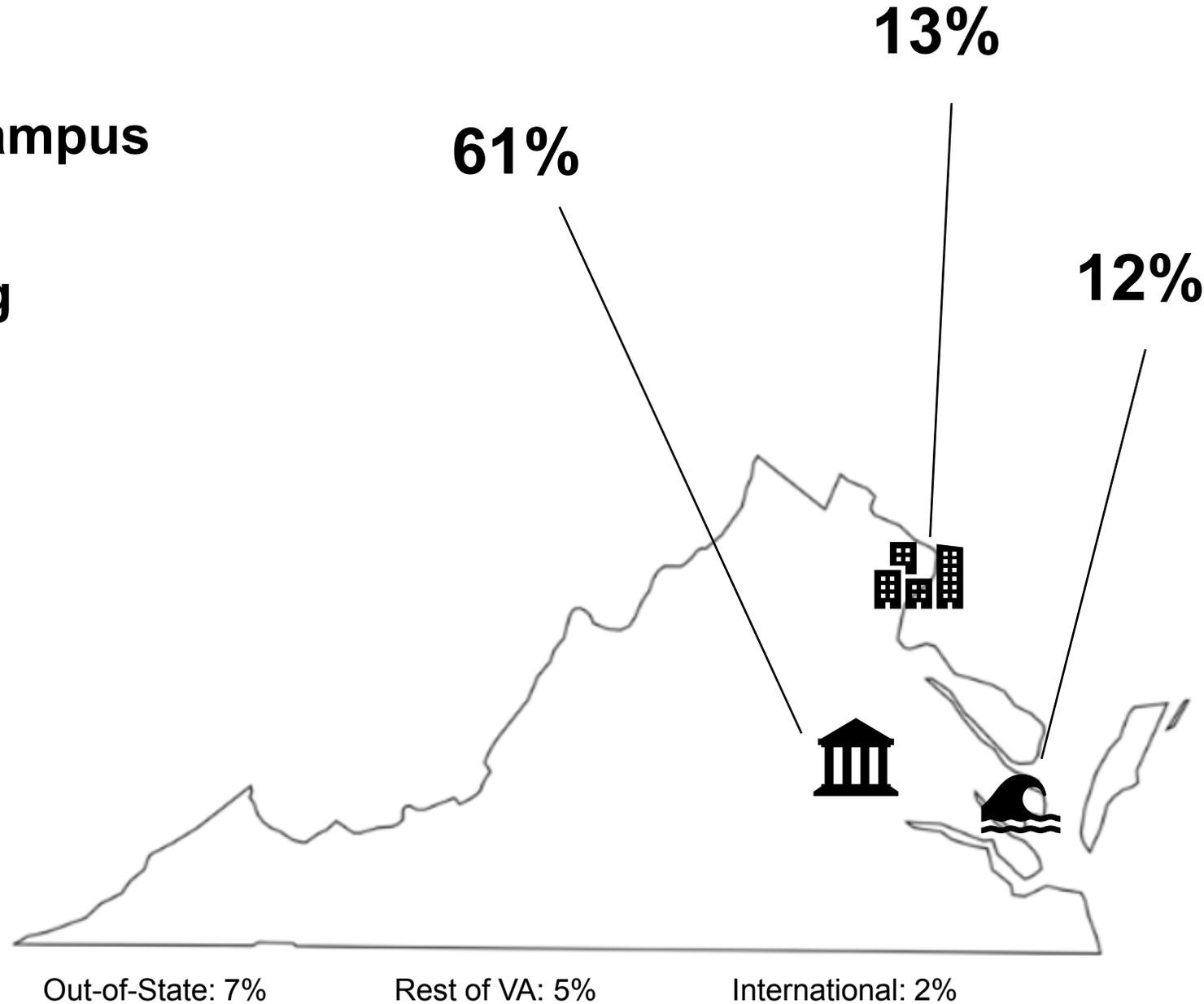
+11% YOY



57%



43%



iRBC



**iRBC**

**International Student Success Program**  
Richard Bland College of William & Mary





**2014**

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**Richard Bland College Resurrects  
Intercollegiate Athletics**





**RICHARD BLAND**  
S T A T E S M E N

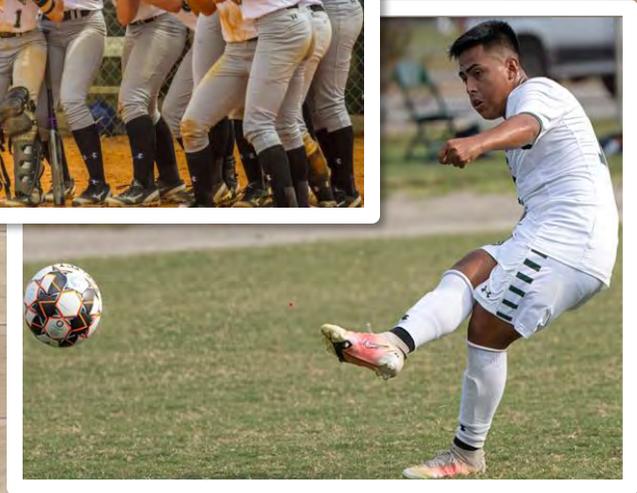
# SPORTS

## MEN'S

- Basketball
- Soccer
- Baseball
- Track & Field

## WOMEN'S

- Basketball
- Soccer
- Softball
- Volleyball
- Beach Volleyball
- Track & Field
- Cross Country



# Three-Peat: Women's Volleyball Named Region 10 Tournament Champions



# RBC Sports Park



Richard Bland College  
of WILLIAM & MARY

# Academic Innovation Center



## *Featuring*

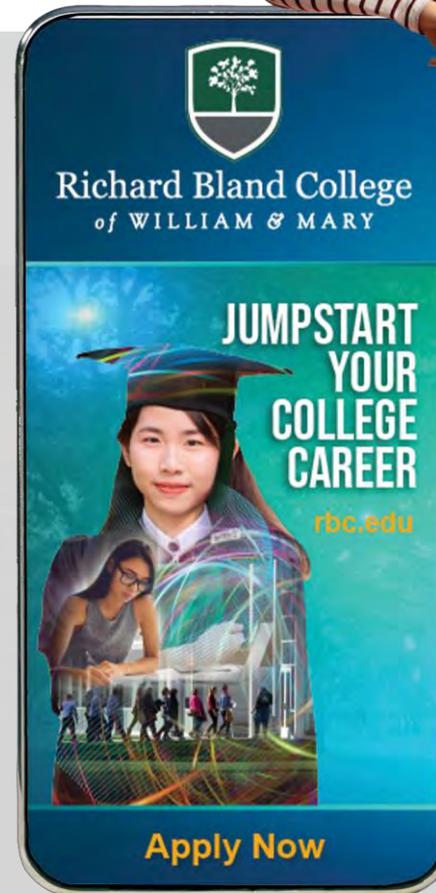
- Modern Library & Coffee Shop
- One-Button Recording Studios
- Flexible Collaboration Rooms
- Board Room & Statesman Commons
- E-Sports Arena



# GPS

## GUIDED PATHWAYS TO SUCCESS

- Student advising through learner mentors
- Individualized education plan
- Experiential Learning
- Data-informed advising and intervention
  
- ✓ Higher rates of degree completion
- ✓ Higher retention
- ✓ Fewer surplus credits
- ✓ Lower student debt
- ✓ Greater earning potential



**Fastest  
Path  
To  
Degree**

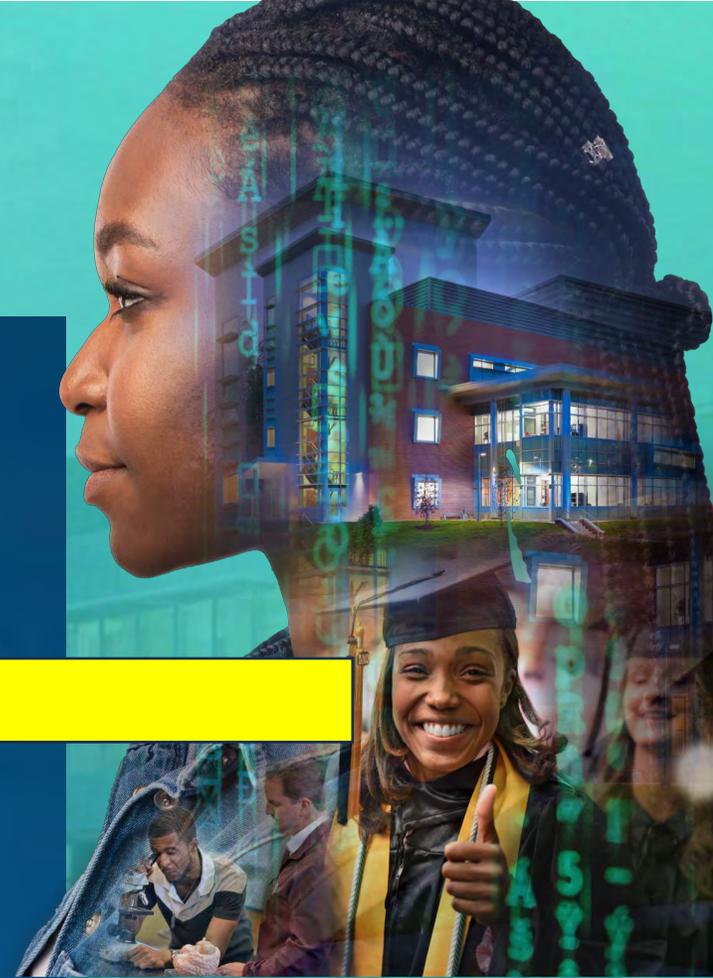


# SCHOOL PARTNERSHIPS

## SCHOOL PARTNERSHIPS

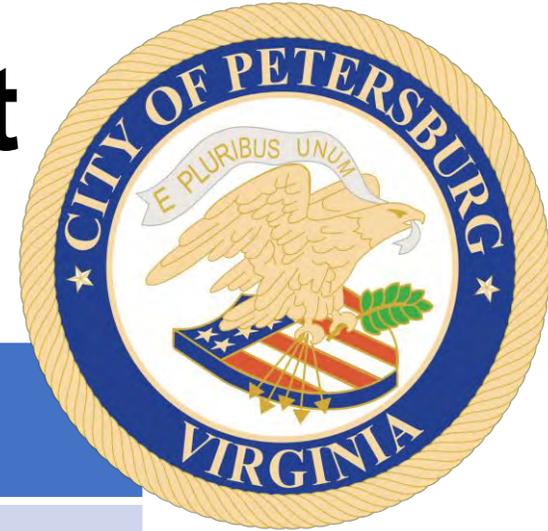
- Appomattox Regional Governor's School
- Banner Christian School
- Blessed Sacrament Huguenot School
- Rise Academy
- Colonial Heights High School
- Commonwealth Governor's School
- Dinwiddie High School\*
- Fauquier High School
- Fredericksburg Christian School
- Grace Christian School
- Hargrave Military Academy
- Hopewell High School\*
- Independence High School
- Isle of Wight Academy
- Kettle Run High School
- Liberty High School – Bealton
- Petersburg High School
- Prince George High School
- Richmond Christian School
- Roanoke Catholic School
- Rock Ridge High School\*
- Southampton Academy
- Sussex High School
- Tuscarora High School
- West End Christian School

\*SACSCOC approved Off-campus Instructional Site



Richard Bland College  
of WILLIAM & MARY

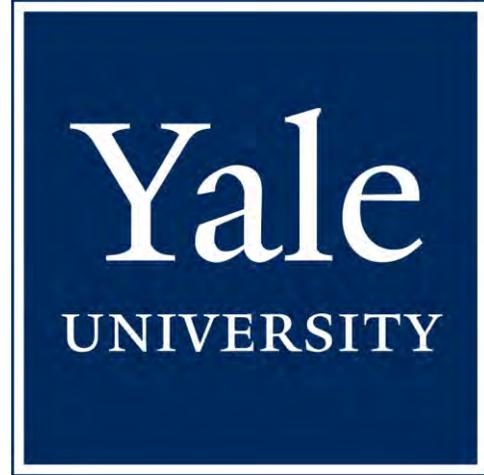
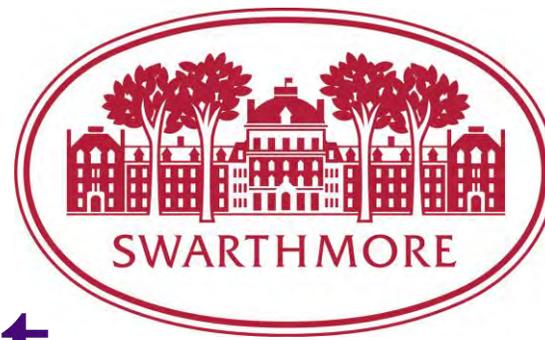
# Petersburg Dual Enrollment



Academic Year	Number of Students	Degrees Obtained
2022-2023	14	6
2023-2024	23	7
2024-2025	28	9 (Spring 2025 Estimate)



# Transfer Scholars(TSN)



Amherst  
College



RICE UNIVERSITY

Williams  
College



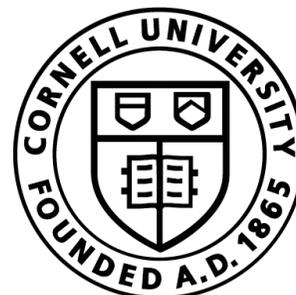
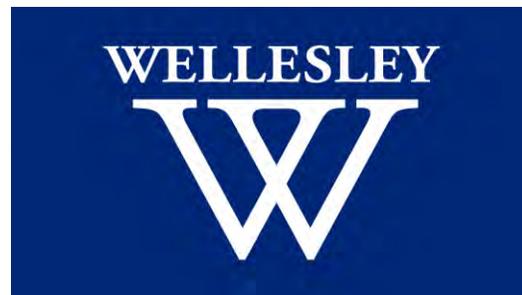
PRINCETON  
UNIVERSITY



BROWN



Massachusetts  
Institute of  
Technology



Cornell University

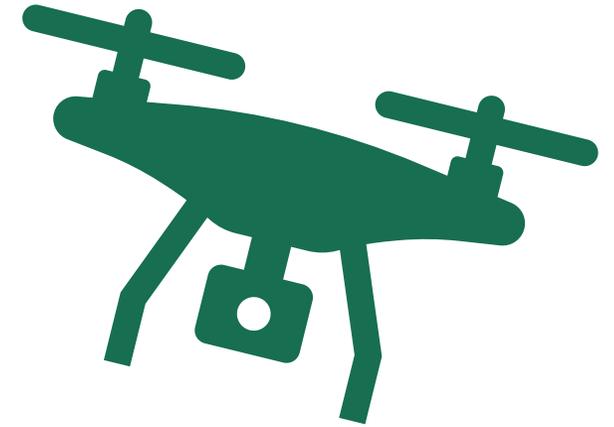


# Michael Mason

- ❖ Accepted at Amherst College
- ❖ Awarded \$95,000 Financial Aid Package for 2024-2025
- ❖ Jack Kent Cooke Foundation Scholarship Winner

**\$0 Debt!**





# 2022

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## DroneUp Opens UAS Flight Academy at RBC





Richard Bland College  
*of WILLIAM & MARY*



# INNOVATION PARK

The Timmons Group Engineering firm and RRMM Architects developed the RBC master plan. The work was funded through a Virginia Gateway Region grant. The total area available for development is 70+ acres.





**2023**

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# **Appeal for Independent Governance**



Questions?



Richard Bland College  
of WILLIAM & MARY



Richard Bland College  
*of* WILLIAM & MARY

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**Thank you**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:** March Altman, Jr., City Manager  
**FROM:** Tangi Hill  
**RE:** **Minutes of Previous Meetings: - Pages 27-30**  
**-November 6, 2024 Closed Session Meeting**

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**PURPOSE:**

**REASON:**

**RECOMMENDATION:**

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. November 6, 2024 Closed Session Minutes

The Closed Session Meeting of the Petersburg City Council was held on Wednesday, November 6, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 12:00 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/319395>.

**1. ROLL CALL**

Present:

Council Member Howard Myers  
Council Member Annette Smith-Lee  
Vice Mayor Darrin Hill  
Mayor Samuel Parham

Absent:

Council Member Charles H. Cuthbert, Jr. (Late)  
Council Member Marlow Jones (Late)  
Council Member Arnold Westbrook, Jr. (Late)

Present from City Administration:

City Manager John March Altman, Jr.  
City Attorney Anthony Williams  
City Clerk Tangi R. Hill

**2. CLOSED SESSION**

The purpose of this meeting is to convene in the closed session pursuant to: a. §2.2-3711(A)(7) and (8) of the Code of Virginia for the Purpose of Receiving Legal Advice and Status Update from the City Attorney and Legal Consultation Regarding the Subject of Actual or Probable Litigation and Specific Legal Matters Requiring the Provision of Legal Advice by the City Attorney, Specifically Including But Not Limited to Discussion Regarding a Proposed City Charter Amendment; Proposed Amendments to the City Code and Zoning Ordinance; A Claim Concerning Utility Taps; Proposed Amendments to the City Code and Zoning Ordinance; the Requirements of Chapter 37 of Title 2.2 of the Code of Virginia; and §2.2-3711(A)(1) of the Code of Virginia for the Purpose of Discussion Pertaining to Performance, Assignment, and Appointment of Specific Public Employees of the City of Petersburg, Specifically Including But Not Limited to Discussion of the Performance, Assignment, and Appointment of a Specific Public Officer of the City of Petersburg; and §2.2-3711(A)(3) of the Code of Virginia for the Purpose of Discussion or Consideration of the Acquisition of Real Property for a Public Purpose and the Disposition of Publicly Held Real Property Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body, Specifically Including But Not Limited to the Acquisition and Disposition of Real Property; and §2.2-3711(A)(3) of the Code of Virginia for the Purpose of Discussion or Consideration of the Acquisition of Real Property for a Public Purpose and the Disposition of Publicly Held Real Property Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body, Specifically Including But Not Limited to the Acquisition and Disposition of Real Property.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Smith-Lee seconded the motion.

The motion was approved on roll call vote.

On roll call vote, voting yes: Myers, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Council entered into Closed Session at 12:03 p.m.

Council Member Westbrook arrived.

Council Member Cuthbert arrived.

Council Member Jones arrived.

### **CERTIFICATION**

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Smith-Lee seconded the motion. There was no discussion on the motion.

The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

**24-RES-\_\_ A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.**

City Council returned to open session at 1:32 p.m.

### **OPEN SESSION**

Mayor Parham entertained a motion to add to the agenda an Ordinance to Amend Chapter 3-16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes and schedule a Public Hearing and consideration for adoption on November 19, 2024.

Vice Mayor Hill made a motion to add to the agenda an Ordinance to Amend Chapter 3-

16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes and schedule a Public Hearing and consideration for adoption on November 19, 2024. Council Member Myers seconded the motion. There was no discussion on the motion.

The motion was unanimously approved in the affirmative.

Mayor Parham entertained a motion to adopt the charter amendment for the tax collector to the legislative agenda and the agenda for the first reading to schedule the ordinance for public hearing and consideration for adoption on the November 19, 2024 meeting.

Vice Mayor Hill made a motion to adopt the charter amendment for the tax collector to the legislative agenda and the agenda for the first reading to schedule the ordinance for public hearing and consideration for adoption on the November 19, 2024 meeting. Council Member Myers seconded the motion. There was no discussion on the motion.

The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

Mayor Parham entertained a motion to add to the City Council November 6, 2024 Work Session agenda the consideration of a motion to authorize the City Manager to execute the First Amendment to the Economic Development Performance Agreement with Tabb Street Development, LLC.

Vice Mayor Hill made a motion add to the City Council November 6, 2024 Work Session agenda the consideration of a motion to authorize the City Manager to execute the First Amendment to the Economic Development Performance Agreement with Tabb Street Development, LLC. Council Member Westbrook seconded the motion. Council member Cuthbert asked that the record reflect his abstention.

The motion was approved on roll call vote.

On roll call vote, voting Yes: Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: Cuthbert

**3. ADJOURNMENT:**

City Council adjourned at 1:35 p.m.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:**

**FROM:** Anthony Williams

**RE:** **First Reading and Schedule a Public Hearing on an Ordinance to Amend the City Charter to Add Section 2-1.2 to Provide for Non-Partisan Elections of Members of Council - Pages 31-33**

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**PURPOSE:** Under Virginia law, candidates for members of the governing body may be nominated by petition or by "general law" including by party nomination. Currently, in the City of Petersburg, nominations for Council may be partisan. Some members of the governing body have expressed concern that partisan local elections may negatively impact voters and candidates wishing to exercise their freedom of choice, particularly given the small size of the City of Petersburg in comparison to the substantial and diverse nature of questions that may be presented to the governing body.

For similar reasons, some localities (Leesburg for example) have adopted charter provisions which prohibit partisan elections for members of the local governing body. Members of Council have expressed an interest in the City pursuing such a limitation for future elections of members of Petersburg City Council.

As this is a proposed Charter amendment, if approved, it will need to be proposed to the General Assembly for approval and enacted before the amendment will be incorporated into the City's Charter.

**REASON:** Requested by Council

**RECOMMENDATION:** Adopt Ordinance.

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. AN ORDINANCE REQUESTING APPROVAL TO AMEND THE CITY CHARTER TO ADD SECTION 2

**AN ORDINANCE REQUESTING APPROVAL TO AMEND THE CITY CHARTER TO ADD SECTION 2-1.2 TO PROVIDE FOR NON-PARTISAN ELECTIONS FOR MEMBERS OF COUNCIL**

WHEREAS, Code of Virginia §§15.2-200 et. seq. authorizes and outlines the process for amendment of the City Charter; and

WHEREAS, such amendment requires that City Council adopt an Ordinance outlining the proposed amendment and that such proposed amendment, upon adoption, be presented for consideration by the Virginia General Assembly; and

WHEREAS, Code of Virginia §15.2-202 authorizes the holding of a Public Hearing in lieu of election in order to amend the existing charter; and

WHEREAS, in accordance with §15.2-1427 of the Code of Virginia, notice of an intention to propose this ordinance for passage has been advertised by reference twice, with the first notice being published no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice, in a newspaper having a general circulation in the City. The publication includes a statement that a copy of the full text of the ordinance is on file in the office of the Clerk of Council; and

WHEREAS, City Council in the City of Petersburg is comprised of seven members elected by wards, with such elected members appointing a Mayor and Vice Mayor biannually; and

WHEREAS, the elections for Members of Council in the City of Petersburg are currently partisan elections; and

WHEREAS, it is the belief of the Members of City Council that the use of partisan elections is not beneficial to the citizens of the City of Petersburg; and

WHEREAS, City Council would like propose that the General Assembly authorize amendment of the City Charter to include Section 2-1.2 to provide for non-partisan elections for Members of City Council.

NOW therefore be it ORDAINED, that the City Manager is directed to include this matter in the City's upcoming Legislative Agenda and be it FURTHER ORDAINED that City Council for the City of Petersburg hereby requests that the following revision to add Section 2-1.2 to the Charter of the City of Petersburg be presented for approval by the General Assembly and upon enactment, the City Charter be and hereby is amended to include Section 2-1.2 as follows:

***2-1.2 – NON-PARTISAN ELECTIONS.***

*All Municipal elections for Members of City Council shall be non-partisan.*



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** March Altman, Jr.

**RE:** **First Reading and Schedule a Public Hearing of an Ordinance to Amend Chapter 3-16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes - Pages 34-47**

**PURPOSE:** Amend City Charter related to the duties of the City Collector.

**REASON:**

**RECOMMENDATION:**

**BACKGROUND:** The City Treasurer and City Council entered into a Memorandum of Understanding (MOU) allowing the City Collector/Department of Finance to perform certain duties of the Treasurer. The charter amendment codifies those duties consistent with the MOU.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. Treasurer's Agreement (2024)
2. 2024-XX - Ordinance Amending Charter - City Collector - DRAFT

**CONSTITUTIONAL OFFICER'S  
(TREASURER'S) AGREEMENT  
RE: BANK RECONCILIATIONS AND PRE-AUDIT SERVICES**

On this 10 day of June, 2024, the "Parties", City of Petersburg, Virginia (hereinafter "City"), by and through its duly appointed City Manager, John M. Altman, Jr., and Paul Mullin, a Constitutional Officer of the City, duly elected to serve as Treasurer in accordance with the provisions of §15.2-1608 of the Code of Virginia, by and for the mutual consideration herein recited, hereby agree to the following terms:

1. That pursuant to Chapter 16 of Title 15.2, Articles 1 through 9 of the Code of Virginia, the locality is required to provide certain funding and accommodations for all Constitutional Officers, including the Office of the Treasurer (mandatory minimal funding).
2. That in addition to the mandatory minimal funding requirements, the Code allows for the City to provide, at the discretion of the governing body, supplemental compensation to the constitutional officer or any of their deputies or employees above the salary provided by the state in accordance with §15.2-1605.1 of the Code of Virginia.
3. The City currently provides such supplemental compensation annually in the amount of \$5,057.00 which provides for supplements to the salaries of the Treasurer's Chief Deputy and one of his Deputy 2 positions but not to the Treasurer's own salary.

Officer/Position	Employee	Comp Board ID	FY24		
			COMP BOARD LEVEL	CITY FUND LEVEL	SUPPLEMENT
Treasurer	P. Mullin	TREAS	70,413.00	70,413.00	-
Chief Deputy	S. Hill	CDI	47,626.00	51,000.00	3,374.00
Deputy 2	A. Wiggins	DII	32,589.00	34,272.00	1,683.00
Deputy 2	Vacant	DII	30,312.00		

Except as expressly stated, nothing in this Agreement shall be construed to obligate the City of Petersburg to the continued provision of such supplemental funding.

4. The duties of the Treasurer are set forth in the Code of Virginia, and in Petersburg, have been modified by City Charter. Except as expressly stated herein, nothing shall be construed to further modify, alter, or otherwise diminish said duties.
5. Under the current Code and City Charter, the Treasurer is responsible for reconciliation of accounts and pre-audit services necessary to complete the City's Annual Consolidated Financial Report.
6. For some time prior to the execution of this Agreement, the City has been providing contracted personnel at substantial cost to the City to assist the Treasurer in providing the services described in paragraph 5.

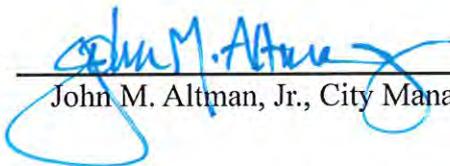
7. The parties have jointly proposed that the Treasurer delegate the duties and responsibilities for said functions to the City which will result in substantial cost savings and more efficient and effective operations.
8. The details of such delegation of duties and responsibilities are as follows:
  - a. The Finance Department will review bank statements and bank transactions for all City bank accounts.
  - b. The Finance Department will be responsible for the reconciliation of all information posted to the general ledger of the City's financial system.
  - c. The Finance Department will provide documentation to support financial reconciliations and make the necessary corrections or adjustments to the general ledger that fall under the purview of the Finance Department.
  - d. The Finance Department will manage the general ledger correction and adjustment process including providing direction and support to the Treasurer's Office, and the Finance Department's Billing and Collections Division.
  - e. The Finance Department will be responsible for closing each month and the fiscal year in the financial system.
  - f. The Finance Department will collaborate with the Treasurer's Office to complete the pre-audit tasks provided by the external audit firm.
  - g. The City's Chief Financial Officer will be the lead communicator with the external audit firm.
9. By signing this Agreement, the Treasurer agrees that in addition to the delegation of said duties and responsibilities described in paragraphs 7 and 8, he shall fully support the incorporation of said delegation into an amendment of the City Charter. Such support may include but shall not be limited to the provision of written statements of support as well as personal appearances before the Virginia General Assembly to support the Charter Amendment.
10. In consideration for the permanent delegation and ongoing support and cooperation of the Treasurer (including the support and cooperation with amending the Charter), the City agrees to process the attached Personnel Action Form (**Exhibit A**) as requested by the Treasurer, incorporating a salary increase for the Treasurer as described therein which salary supplement, except upon expiration of this Agreement as described in paragraph 14, shall remain in effect and shall be irrevocable so long as the undersigned Treasurer remains in compliance with the terms of this Agreement.



15. This Agreement shall be governed under the laws of the Commonwealth of Virginia. Any dispute arising from this Agreement shall be litigated solely in the General District or Circuit Court for the City of Petersburg, Virginia.
16. This Agreement is entered into in the spirit of cooperation and in furtherance of the best interests of the citizens of the City of Petersburg in an effort to provide more efficient and effective City operations. By signing this Agreement, the parties agree to work together collaboratively and refrain from making disparaging remarks about the other with reference to any of the matters contained in this Agreement.
17. The parties acknowledge and agree that insofar as this document requires the formal approval and authorization of the governing body to enable the Manager to execute it, the document may be subject to release upon request under the Virginia Freedom of Information Act as a public record.

The undersigned hereby agree to be bound in accordance with the terms recited in this Agreement.

CITY OF PETERSBURG, VIRGINIA

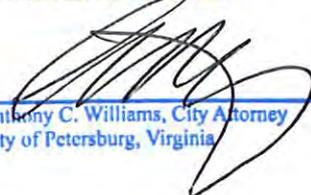
By:  6-20-2024  
 John M. Altman, Jr., City Manager Date

TREASURER OF THE CITY OF PETERSBURG, VIRGINIA

By:  6/10/2024  
 Paul Mullin, Treasurer Date



APPROVED AS TO FORM:

 6/20/2024  
 Anthony C. Williams, City Attorney  
 City of Petersburg, Virginia

PERSONNEL ACTION FORM

NAME **Paul Z Mullin Jr**

EMPLOYEE No.

ADDRESS **617 Roberson St**

DATE **03/29/2024**

CITY, STATE, ZIP **Petersburg, Va, 23805**

DEPARTMENT **70**

TYPE OF ACTION

Transfer From:

To:

New Employee

Resignation

Military Service

Re-employment

Discharge

Leave Without Pay

Reinstatement

Retirement

Pay Increase

Promotion

Death

Re-Classification

Suspension

Interim (Acting)

Demotion

Change of Address

Other

Requestor Signature *Paul Z Mullin Jr*

Date **3/29/2024 | 4:45 P**

Further Explanation, budgetary and management impact: (Attach supporting documents if needed at the bottom.)

In an effort to get a handle on the Reconciliation for the City, it was decided to bring the duties in house. The Interim CFO Mr. Glaster has agreed to supplement my salary to \$90,000.00 as a member of the new Finance/Treasurer's Office Reconciliation Team.

DATE ABOVE ACTION EFFECTIVE **03/11/2024**

TYPE OF EMPLOYEE **Full Time**

ANNUAL SALARY **90,001.60**

POSITION TITLE **Treasurer**

PAY RANGE CODE

HOURLY RATE **43.27**

Fire Suppression Only

ANNUAL SALARY **0.00**

HOURLY RATE

ACTION REQUESTED BY:

Department Head

*Paul Mullin*

Date **3/29/2024 | 4:46 P**

APPROVAL:

Budget

*Garry Cozier*

Date **4/2/2024 | 11:10 A**

Human Resources

*Delvonte Frengley*

Date **4/2/2024 | 11:47 A**

City Manager or Designee

Date

POSTED

Attachments:

HR USE ONLY	POSITION#	FLSA <b>Non Exempt</b>
n/a		

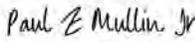
**Certificate Of Completion**

Envelope Id: 007ED9A519B14CF1947FE3C5F4FDDFB7	Status: Sent
Subject: PAF Petersburg DocuSign Paul Mullin Paul Mullin	
Employee Name (name of employee this document aff:	
Employee Name (Name of employee this document affe:	
Source Envelope:	
Document Pages: 1	Signatures: 4
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Gerrit Vanvoorhees
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	144 N Sycamore St
	Petersburg, VA 23803
	gvanvoorhees@petersburg-va.org
	IP Address: 50.201.83.50

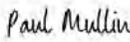
**Record Tracking**

Status: Original	Holder: Gerrit Vanvoorhees	Location: DocuSign
3/29/2024 4:39:25 PM	gvanvoorhees@petersburg-va.org	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Petersburg	Location: DocuSign

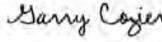
**Signer Events**

Signer Events	Signature	Timestamp
Paul Z Mullin Jr pzmullin@petersburg-va.org Security Level: DocuSign.email ID: 1 3/29/2024 4:39:29 PM	 Signature Adoption: Pre-selected Style Using IP Address: 50.201.83.50	Sent: 3/29/2024 4:39:27 PM Viewed: 3/29/2024 4:39:37 PM Signed: 3/29/2024 4:45:02 PM

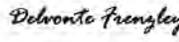
**Electronic Record and Signature Disclosure:**  
Accepted: 3/12/2022 3:22:56 PM  
ID: 30ab3afb-4b08-4947-a3b4-9ea56aeaacf3

Paul Mullin pzmullin@petersburg-va.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 50.201.83.50	Sent: 3/29/2024 4:45:04 PM Viewed: 3/29/2024 4:45:40 PM Signed: 3/29/2024 4:46:08 PM
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**Electronic Record and Signature Disclosure:**  
Accepted: 3/29/2024 4:45:40 PM  
ID: 3b9a3515-79cd-4b30-8ae8-be4969463f84

Garry Cozier gcozier@petersburg-va.org Budget City of Petersburg Signing Group: Finance Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 50.201.83.50	Sent: 3/29/2024 4:46:09 PM Viewed: 4/2/2024 11:10:15 AM Signed: 4/2/2024 11:10:20 AM
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**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Delvonte Frenzley dfrenzley@petersburg-va.org HR Signing Group: HR Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.31.102.134	Sent: 4/2/2024 11:10:22 AM Viewed: 4/2/2024 11:36:42 AM Signed: 4/2/2024 11:47:15 AM
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Signer Events	Signature	Timestamp
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**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

March Altman  
maltman@petersburg-va.org  
City Manager  
Signing Group: City Manager Group  
Security Level: Email, Account Authentication (None)

Sent: 4/2/2024 11:47:16 AM  
Viewed: 4/2/2024 12:22:24 PM

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Paul Mullin  
docusign@petersburg-va.org  
Security Level: Email, Account Authentication (None)

**COPIED**

Sent: 3/29/2024 4:45:03 PM

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

PAF Group  
paf@petersburg-va.org  
Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	3/29/2024 4:45:02 PM
Envelope Updated	Security Checked	3/29/2024 4:46:08 PM
Certified Delivered	Security Checked	4/2/2024 12:22:24 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Petersburg (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact City of Petersburg:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [gvanvoorhees@petersburg-va.org](mailto:gvanvoorhees@petersburg-va.org)

### **To advise City of Petersburg of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [gvanvoorhees@petersburg-va.org](mailto:gvanvoorhees@petersburg-va.org) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from City of Petersburg**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [gvanvoorhees@petersburg-va.org](mailto:gvanvoorhees@petersburg-va.org) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with City of Petersburg**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [gvanvoorhees@petersburg-va.org](mailto:gvanvoorhees@petersburg-va.org) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Petersburg as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Petersburg during the course of your relationship with City of Petersburg.

**AN ORDINANCE TO AMEND CHAPTER 3-16 OF THE CITY  
CHARTER CONCERNING THE POWERS AND DUTIES OF THE  
COLLECTOR OF TAXES**

WHEREAS, Code of Virginia §§15.2-200 *et. seq.* authorizes and outlines the process for amendment of the City Charter; and

WHEREAS, such amendment requires that City Council adopt an Ordinance outlining the proposed amendment and that such proposed amendment, upon adoption, be presented for consideration by the Virginia General Assembly; and

WHEREAS, Code of Virginia §15.2-202 authorizes the holding of a Public Hearing in lieu of election in order to amend the existing charter; and

WHEREAS, in accordance with §15.2-1427 of the Code of Virginia, notice of an intention to propose the ordinance for passage has been advertised by reference twice, with the first notice being published no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice, in a newspaper having a general circulation in the City. The publication includes a statement that a copy of the full text of the ordinance is on file in the office of the Clerk of Council; and

WHEREAS, the City currently has a Memorandum of Understanding in place with the City Treasurer to facilitate effective, efficient, and harmonious operations; and

WHEREAS, in accordance with said Memorandum, the City Collector or his/her designee is to be authorized to perform certain duties in addition to current duties, which additional duties include but are not limited to:

- a. Reviewing bank statements and bank transaction for all City bank accounts.
- b. Reconciliation of all information posted to the general ledger of the City's financial system.
- c. Providing documentation to support financial reconciliations and making necessary corrections or adjustments to the general ledger that fall under the purview of the City's Finance Department.
- d. Managing the general ledger correction and adjustment process including providing direction and support to the Treasurer's Office, and the finance Department's Billing and Collection Division.
- e. Closing each month and the fiscal year in the financial system.
- f. Collaborating with the Treasurer to complete pre-audit tasks provided by the external audit firm.

- g. Serve as lead communicator with the external audit firm.

WHEREAS, the City Treasurer has expressed his agreement, in writing, to the delegation of these duties to the Collector of Taxes; and

WHEREAS, it is the wish of City Council to memorialize this agreed upon division of labor in the City Charter.

**NOW therefore BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG** that City Council for the City of Petersburg hereby requests that the following revisions to Section 3-16, of Chapter 3, of the Charter of the City of Petersburg be approved by the General Assembly and upon enactment, be hereby be amended and re-enacted into the City's charter as follows:

### **CHAPTER 3 – CITY OFFICERS GENERALLY**

#### **Sec. 3-16. Powers and duties of collector of city taxes and collector of delinquent taxes.**

The collector of city taxes shall collect all taxes and assessments which may be levied by the city, and perform such other duties as may be herein prescribed or ordained by the council. Said duties shall include but not be limited to the following:

- h. Reviewing bank statements and bank transaction for all City bank accounts.
- i. Reconciliation of all information posted to the general ledger of the City's financial system.
- j. Providing documentation to support financial reconciliations and making necessary corrections or adjustments to the general ledger that fall under the purview of the City's Finance Department.
- k. Managing the general ledger correction and adjustment process including providing direction and support to the Treasurer's Office, and the finance Department's Billing and Collection Division.
- l. Closing each month and the fiscal year in the financial system.
- m. Collaborating with the Treasurer to complete pre-audit tasks provided by the external audit firm.
- n. Serve as lead communicator with the external audit firm.

The collector of city taxes shall keep his office at such place as shall be designated by the city council, and shall keep in such office such books, vouchers and accounts as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, members of the council, and of any committee of the council. He shall make report in writing, under oath, to the city treasurer weekly, or oftener, if required, as to the amount of all moneys collected by him, and shall pay the same into the city treasury weekly. At the end of each fiscal year he shall submit to the council a statement of all moneys collected by him during the year, and

the particular assessment or account upon which collected, also a statement showing the amount uncollected.

(Acts 1962, Ch. 259)

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In all other respects said Charter of the City of Petersburg shall remain unchanged and be in full force and effect.

DRAFT



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs - Pages 48-89**

**PURPOSE:** The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. This text amendment is proposed to clarify these uses and equip staff to effectively enforce the Zoning Ordinance. The proposed amendment will introduce definitions to differentiate between uses and introduce updated standards for new nightclub uses.

**REASON:** The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. The adoption of the new and updated definitions would allow staff to differentiate between nightclubs and other uses that may feature large gatherings or live entertainment and then permit a given use accordingly.

**RECOMMENDATION:** Planning Commission and staff recommend approval.

**BACKGROUND:** Over the last several years, complaints and issues have been raised about certain uses in the City that involve the gathering of large volumes of people, particularly those uses that involve live entertainment. Concerns are shared across City departments and include noise, safety, and proper licensing. While there are similarities between some of the activities involved in these uses, the uses themselves are distinct in nature; uses like restaurants may occasionally feature music or entertainment, but they are unique from nightclubs or social clubs. Despite the distinctions among these uses, the Zoning Ordinance does not currently include definitions of each use and some of the existing definitions are inadequate. Without the ability to clearly classify and distinguish between the uses, staff is challenged to determine where particular uses and activities are allowed and which standards apply in any given case making it difficult to issue violations or penalties where they may be appropriate.

Additionally, concerns have been raised over some existing nightclubs, particularly with noise and safety. Through review and discussion with the Planning Commission, it was determined that some of the existing

standards for nightclubs are inadequate while others may be arbitrary or unnecessary. There are existing nightclubs that are allowed to remain either because they were granted a Special Use Permit or because they have legal nonconforming status, but standards could be updated to ensure that future requests for nightclubs are reviewed on a case-by-case basis and appropriate regulations are applied.

May-October 2024 – The Planning Commission has discussed a possible text amendment updating standards for nightclub uses as well as introducing definitions for several existing uses that involve people gathering and/or live entertainment. On September 5, staff were directed to bring the proposed changes to public hearing.

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 1. 24-ZTA-08 Memo
2. 2. Event Uses Final
3. 3. Ordinance 24-ZTA-08
4. 4. Tracked Changes Combined
5. 5. Club Incident Spreadsheet



## City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

# MEMORANDUM

**DATE:** November 2024

**TO:** City Council

**FROM:** Planning Commission

**RE:** 2024-ZTA-08: An ordinance to approve amending and readoption of Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

## EXECUTIVE SUMMARY

The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. This text amendment is proposed to clarify these uses and equip Staff to effectively enforce the Zoning Ordinance. The proposed amendment will introduce definitions to differentiate between uses and introduce updated standards for new nightclub uses.

## CHRONOLOGY OF EVENTS

1. May-October 2024 – The Planning Commission has discussed a possible text amendment updating standards for nightclub uses as well as introducing definitions for several existing uses that involve persons gathering and/or live entertainment. On September 5, Staff were directed to bring the proposed changes to public hearing.

## BACKGROUND

Over the last several years, complaints and issues have been raised about certain uses in the City that involve the gathering of large volumes of people, particularly those uses that involve live entertainment. Concerns are shared across City departments and include noise, safety, and proper licensing. While there are similarities between some of the activities involved in these uses, the uses themselves are distinct in nature; uses like restaurants may occasionally feature

music or entertainment, but they are unique from nightclubs or social clubs. Despite the distinctions among these uses, the Zoning Ordinance does not currently include definitions of each use and some of the existing definitions are inadequate. Without the ability to clearly classify and distinguish between the uses, staff is challenged to determine where particular uses and activities are allowed and which standards apply in any given case making it difficult to issue violations or penalties where they may be appropriate.

Additionally, concerns have been raised over some existing nightclubs, particularly with noise and safety. Through review and discussion with the Planning Commission, it was determined that some of the existing standards for nightclubs are inadequate while others may be arbitrary or unnecessary. There are existing nightclubs that are allowed to remain either because they were granted a Special Use Permit or because they have legal nonconforming status, but standards could be updated to ensure that future requests for nightclubs are reviewed on a case-by-case basis and appropriate regulations are applied.

### **Proposed Changes**

The proposed amendment comprises three main components:

- 1) Introduce and update definitions to distinguish between gathering, entertainment and event-oriented uses
- 2) Specify where each use is permitted by-right or by Special Use Permit
- 3) Update standards specific to nightclub uses

The following definitions are proposed to be either introduced or updated for clarification:

- Banquet hall/event facility (new) - A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.
- Community club (updated) - Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.
- Private club (updated) - A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

- Lounge or bar (new) - An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.
- Restaurant (updated) – An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

The adoption of the new and updated definitions would allow Staff to differentiate between nightclubs and other uses that may feature large gatherings or live entertainment and then permit a given use accordingly. The proposed amendment would clarify that the uses defined above are permitted by-right in the B-1 Shopping Center, B-2 General Commercial, B-3 Central Commercial, and M-1, Light Industrial Districts. No changes are proposed to where nightclubs are permitted and they would still be allowed with an approved Special Use Permit in the B-2 and M-1 Districts.

Currently, there are certain standards that apply automatically to any nightclub in addition to any conditions set with the Special Use Permit approval. Proposed changes to nightclub standards consist of both updated and new standards.

The following are proposed updates to existing standards:

- A regulation that stated nightclubs cannot serve food or beverages between 2:00 and 6:00 a.m. is updated to state that alcoholic beverages cannot be served during those hours which will allow food and non-alcoholic beverages to still be served
- A regulation that set the maximum area of a dancefloor is updated to instead require a management plan to be submitted along with any request for a nightclub. The management plan will include staffing levels, floorplans and occupant load

The following are new standards proposed:

- A new application for a nightclub must be accompanied by a security plan that includes provisions for the employment of licensed security personnel as well as procedures for crowd management during and immediately following hours of operation.
- Soundproofing measures are to be incorporated to minimize noise in the nightclub and in surrounding areas.
- A Special Use Permit for a nightclub is subject to automatic review after two years to determine compliance with the conditions of approval.

## **COMPREHENSIVE PLAN CONSIDERATIONS**

The PetersburgNEXT Comprehensive Plan emphasizes the importance of places for people to gather and states that entertainment uses are one of the most desirable non-residential uses in the City. They are noted as uses that serve residents as well as non-residents as a feature of the City’s tourism plans and efforts. Entertainment is listed as a feature of both Community Mixed-

Use and Corridor Commercial Areas as designated on the Future Land Use Map. These areas comprise most of the downtown as well as major commercial corridors.

The goal of the text amendment is to continue to foster uses that allow people to gather and be entertained, but to provide clarity to where and how the uses are permitted and to what standards they are held.

**RECOMMENDATION:** Staff and Planning Commission recommend approval of the proposed text amendment.

CITY COUNCIL  
MEETING

NOVEMBER  
2024

# 2024-ZTA-08:

Consideration of an ordinance to approve amendment and readoption of Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

# Background

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- Need for clarification/definition of certain uses involving events and gatherings.
- Ongoing discussion since May; brought due to staff concerns, amended based on Commission feedback.

# Overview

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## **Components of the proposed amendment:**

- A.** Introduce and update definitions to distinguish between gathering, entertainment and event-oriented uses
- B.** Specify where each use is permitted by-right or by Special Use Permit
- C.** Update standards specific to nightclub uses

# Unchanged Definitions

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## Nightclub.

- An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

## Live Entertainment

- An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

# New/Amended Definitions

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## Banquet hall/Event Facility.

- A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

## Restaurant.

- An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

## Lounge or bar.

- An area, or room, utilized primarily for the sale of alcoholic beverages for consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

# New/Amended Definition cont.

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## Club, community.

- Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

## Club, private.

- A use that provides meeting areas or social facilities for civic or social clubs, and similar organizations and associations, that hold regular meetings or events for dues-paying members and their guests, only. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

# Remaining/Amended Use Standards - Nightclubs

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Nightclubs allowed in B-2, B-3, and M-1 Zoning Districts with a special use permit; subject to automatic conditions:

- a) A nightclub shall not serve **alcoholic** beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- b) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- c) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- d) The establishment shall maintain a current, active business license at all times while in operation.
- e) The establishment shall remain current on all food beverage taxes and business personal property taxes which may become due while it is in operation.
- ~~f) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.~~

# New Use Standards - Nightclubs

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An application for a nightclub use shall include a management program with required elements as follows:

- 1) Staffing levels
- 2) Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this floor plan shall be posted on the premises in a prominent location viewable by patrons
- 3) Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.

An application for a nightclub use shall include a security plan with provisions for the following:

- 1) The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted
- 2) Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation

# New Use Standards – Nightclubs (cont.)

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The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed.

An approved special use permit shall be reviewed after two (2) years for compliance with the conditions of approval.

# Changes from former proposals:

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- Clarification on hours of operation/ability to serve food/beverages.
- Dance floor maximum removed, each nightclub request to include management program and reviewed case-by-case.
- No requirement for loudspeakers/instruments to cease prior to closing of establishment.
- Event uses other than nightclubs to remain by-right in B-1, B-2, B-3, and M-1 Districts.

# Comprehensive Plan Considerations

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- Spaces for people to gather are important; entertainment uses are one of the most desired non-residential uses in the City
- These uses are key features of Community Mixed-Use and Corridor Commercial Areas; serve both residents and visitors
- Goal is to foster these uses, but to make sure Ordinance is clear on where and how

# Recommendation

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- Staff recommends approval.
- Planning Commission recommends approval.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance to amend and readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

**AN ORDINANCE TO APPROVE AMENDING AND READOPTING ARTICLE 3. – DEFINITIONS, ARTICLE 14. – B-1 SHOPPING CENTER DISTRICT REGULATIONS, AND ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO GATHERING AND EVENT USES, INCLUDING NIGHTCLUBS**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3. – Definitions, Article 14. – B-1 Shopping Center District Regulations, and Article 23 – Supplementary Use Regulations – Special Uses, which deal, in part, with certain uses that involve persons gathering for events or entertainment; and

WHEREAS, there are a number of undefined or unclearly defined uses in the City that involve events and gatherings which have qualities distinguishing them from one another; and

WHEREAS, classifying of uses for permitting and enforcement of potential violations of the Zoning Ordinance for these uses is currently difficult due to the lack of distinction between uses written in the Zoning Ordinance; and

WHEREAS, City Council has considered updating standards for nightclubs to better address issues and complaints; and

WHEREAS, the City Council approves adopting language to define and distinguish between gathering and event-oriented uses supports updating standards to more effectively regulate nightclub uses the City; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions, Article 14. – B-1 Shopping Center District Regulations, and Article 23 – Supplementary Use Regulations – Special Uses as indicated in Exhibit A.

## ARTICLE 3. - DEFINITIONS

### Section 1. - General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. No. 94-140, 11-15-1994)

### Section 2. - Definitions.

*Abattoir.* A commercial slaughterhouse.

*Accessory building.* An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

*Accessory use.* An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

*Adult book store.* A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

*Adult entertainment establishment.* A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

*Adult motion picture theater.* A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or "specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are

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restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

*Adult video store.* A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

*Alley.* A public way which affords only a secondary means of access to property abutting thereon.

*Alteration.* Any change in the total floor area, use, adaptability or external appearance of an existing structure.

*Alternative financial institution.* Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

*Apartment.* A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

*Apartment house.* Same as "dwelling, multiple-family."

*Assisted living facility.* A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

*Automobile.* A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

*Automobile self-service station.* Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

*Automobile service station.* Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

*Banquet hall/Event facility.* A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

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*Basement.* That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

*Bed-and-breakfast inn.* A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

*Boardinghouse.* A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

*Breezeway.* A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

*Building.* Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

*Building, height of.* The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

*Buildable width.* The width of that part of a lot not included within the open space herein required.

*Child-care center.* A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

*Clinic.* An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

*Club, community.* Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

*Club, private.* A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

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*Conditional zoning.* As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

*Commission.* The planning commission of the City of Petersburg.

*Court.* An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

*District.* Any section of the City of Petersburg within which the zoning regulations are uniform.

*Drive-in restaurant.* A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

*Driveway.* The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

*Dwelling.* Any building, or portion thereof: designed or used for residential purposes.

*Dwelling, single-family.* A building designed for use, or occupied exclusively, by one family.

*Dwelling, two-family.* A building designed for, or occupied exclusively, by two families living independently of each other.

*Dwelling, multiple-family.* A building designed for, or occupied exclusively, by three or more families living independently of each other.

*Dwelling, townhouse.* One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

*Dwelling unit.* A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

*Family.* One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

*Family day-care home.* Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

*Floor area.* The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

*Frontage.*

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

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*Garage, private.* An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [, such vehicle] of not more than two tons capacity.

*Garage, storage or parking.* A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

*Gasoline service station.* Same as automobile self-service station.

*Grade.*

- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

*Group home.* As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

*Guesthouse.* Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

*Hospital.* A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

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*Hotel, motel.* An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

*Live entertainment.* An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

*Loading space.* A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

*Lodging house.* Same as "boardinghouse."

*Lot.* A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

*Lot, area.* The total horizontal area within the lot lines of the lot.

*Lot, corner.* A lot abutting upon two or more streets at their intersection.

*Lot, depth of.* The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

*Lot, interior.* A lot whose side line or lines do not abut upon any street.

*Lot, through.* An interior lot having frontage on two streets.

*Lot of record.* A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

*Lot, width.* The distance between the side lot lines measured at the required front yard line.

*Lounge or bar.* An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

*Micro-brewery, micro-distillery, micro-winery and/or micro-cidery.* A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

*Mini-storage facility, mini-warehouse, or self-storage facility.* A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

*Mobile food unit.* A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

*Mobile home.* An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

*Mobile home park.* Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

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*Mobile home space.* A plot of ground within a mobile home park designed for accommodation for one mobile home.

*Mobile home subdivision.* Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

*Modular home or unit.* An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

*Nightclub.* An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) ~~A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.~~
- (2) ~~A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.~~
- (3) ~~No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.~~
- (4) ~~The establishment shall maintain a current, active business license at all times while in operation.~~
- (5) ~~The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.~~
- (6) ~~The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.~~

*Nonconforming use.* Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

*Parking space, off-street.* An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

*Premises.* A lot, together with all buildings and structures thereon.

*Private club.* ~~An establishment of a private not for profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.~~

*Private nursery school.* A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

*Private plaza.* A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

*Proffer.* A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

*Recreational Substances.* Recreational substances includes the following:

- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

*Recreational Substances Retail, Off-Site Use:* Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

*Recreational Substances Retail, On-Site Use.* Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

*Restaurant.* An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

*Restaurant, carry out.* An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

*Restaurant, coffee or ice cream shop.* A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

*Rooming house.* Same as "boardinghouse."

*Sign.* A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

*Sign area.* That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

*Sign, flashing.* Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

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*Sign, illuminated.* Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

*Small box discount store.* Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

*Solar panel, small.* Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

*Solar farm.* Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

*Specified anatomical area.* As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

*Stand-alone used vehicle sales.* A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

*Stand-alone vehicle repair shop.* A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

*Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

*Story, half.* A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for

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rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

*Street.* A public thoroughfare which affords the principal means of access to abutting property.

*Street line.* A dividing line between a lot, tract, or parcel of land and a contiguous street.

*Structure.* Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

*Structural alterations.* Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*Tourist court, auto court.* Same as "motel."

*Tractor-trailer.* A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

*Tractor-trailer service station or truck stop.* Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

*Trailer park, auto trailer camp or mobile home court.* That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

*Travel trailer.* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

*Truck.* A vehicle with a gross weight of more than five tons.

*Vehicle demolisher.* Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

*Vehicle rebuilder.* Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

*Vehicle removal operator.* Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

*Vehicle salvage dealer.* Any person who acquires any vehicle for the purpose of reselling any parts thereof.

*Vehicle tow lot or storage lot.* The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

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*Yard.* An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

*Yard, front.* A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

*Yard, rear.* A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

*Yard, side.* A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

## ARTICLE 14. "B-1" SHOPPING CENTER DISTRICT REGULATIONS

### Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations of the "B-1" Shopping Center District. The purpose of this district is to provide for attractive and efficient retail shopping facilities of integrated design, in appropriate locations to serve residential neighborhoods. It is intended that the district shall be laid out and developed as a unit, according to an approved plan, so that the purpose of the district may be accomplished.

### Section 2. Use regulations.

A building or premises may be used only for the following purposes:

- (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section and ordinarily accepted as shopping center use;
  - (2) Uses permitted in the project area, according to residential district regulations in force prior to the establishment of the shopping center district on the tract in question as the only alternative in case the district is not used for the purpose for which it was especially intended, namely a shopping center.
  - (3) Micro-brewery, micro-distillery, micro-winery and/or micro-cidery, with the following conditions:
    - a. No heat may be used in the brewing, distilling wine making or cider making production processes;
    - b. A maximum quantity of 5,000 gallons may be produced each year;
    - c. Alcohol levels in beverages shall be 16 percent or below to minimize combustibility;
    - d. No offensive odors shall be produced; Noise levels will comply with the City's Code regarding noise;
    - e. Development and operations must comply with all relevant codes including alcoholic beverage control, building, health and public safety.
- (1) Banquet hall/Event Facility
  - (2) Restaurant
  - (3) Lounge or bar
  - (4) Club, community or private

### Section 3. Ownership control.

In order that the purpose of this district shall be realized, the land and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or they shall be subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of this ordinance relating to "B-1" Shopping Center Districts.

### Section 4. Procedure.

The owner or owners of any tract of land comprising an area of not less than two acres may submit a plan for the use and development of all or part of the tract for the purposes of, and meeting the requirements set forth in this article, as a separate proposal or as a part of a planned unit development as set forth in article 26. Public hearings shall be held in accordance with procedures in article 28. Any recommendations from the commission to

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the city council shall be accompanied by a report, stating the reasons for such recommendation and whether the application meets the requirements of the "B-1" Shopping Center District, as set forth in this article.

### **Section 5. Special conditions.**

The plan for the shopping center district shall show the requirements set forth in this article and shall include the width of right-of-way, and pavement of existing streets; the district shall be developed according to those requirements. In addition, it is hereby specified and required that:

- (1) The aggregate plan area of all buildings proposed shall not exceed 30 percent of the entire lot area of the project; all buildings shall be set back not less than 30 feet from all street lines adjoining the shopping center site;
- (2) Off-street parking spaces shall be provided in the ration of at least one parking space for each 200 square feet of floor area, in the building of the shopping center;
- (3) Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive, or extend into any other public or private drive or street used for traffic circulation;
- (4) The drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting applicable specifications of the director of public works;
- (5) Any part of the project area not used for buildings or other structures, loading and access-ways shall be landscaped with grass, trees, shrubs or pedestrian walks;
- (6) The shopping center buildings shall be designed and built as a whole, unified and single project; but may, however, be built in stages, in accordance with a construction timing schedule approved by the city council. If there is not substantial compliance with the approved schedule, the city council may, after expiration of a period of three years from the date of final approval of the district in question, study conditions and changes of conditions in the area, and after report by the commission, the city council may, by ordinance, reduce the size or eliminate the district from the district map.

**Section 6. Additional requirements by the commission.**

Before recommending approval of a shopping center district, the commission may make reasonable additional requirements as to utilities, drainage, landscaping, lighting, signs and advertising devices, screening, accessways, curb cuts, traffic control, height of buildings, to protect adjoining residentially zoned lots or residential uses. The plans for the district shall be amended in accordance with these requirements, before being submitted to the city council. If required by the city council, a surety bond shall be filed for, or deposited in escrow with the city, in a sum sufficient to insure completion of special requirements, as may be imposed by the council.

## ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

### **Section 1. [Procedure for obtaining special use permit.]**

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

### **Section 2. [Qualification of nonconforming use as special use.]**

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

### **Section 3. [Additions or alterations to special uses.]**

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

### **Section 4. Special uses enumerated.**

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;

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- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
  - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
  - (b) One-half (½) off-street parking space per sleeping room;
  - (c) Resident-manager on premises;
  - (d) Permitted sign area not to exceed two (2) square feet;
  - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only- and subject to the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
  - a. A nightclub shall not serve alcoholic beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.;
  - b. A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar;
  - c. No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided;
  - d. The establishment shall maintain a current, active business license at all times while in operation;
  - e. The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation;
  - f. An application for a nightclub use shall include a management program with required elements as follows:
    - 1. Staffing levels;
    - 2. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this

- floor plan shall be posted on the premises in a prominent location viewable by patrons;
3. Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.
- g. An application for a nightclub use shall include a security plan with provisions for the following:
    1. The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted;
    2. Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation.
  - h. The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed;
  - i. A special use permit granted for a nightclub use shall be subject to review two (2) years after approval for compliance with the conditions of approval.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
  - (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
  - (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
  - (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
  - (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
  - (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
  - (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
  - (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
  - (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
  - (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
  - (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
  - (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
  - (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
  - (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.

- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
  - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
  - b. No exterior alterations to the residence;
  - c. Not transferable;
  - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
  - e. No more than two (2) employees;
  - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
  - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.

**Section 4.1. Special use permits for communication towers; criteria and procedures.**

- (1) *Definitions.*
  - a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
  - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
  - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted

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antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.

- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
  - a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
  - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
  - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
  - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services"

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as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

**Section 5. [Restrictions upon accessory buildings, cellars and basements.]**

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

May 2023-May 2024

Club Name:	Address	Types of Incidents:									Total number of Incidents:
		Proactive (Police presence, Prop. Check, etc.)	Disturbance	Firearm Related	Larceny, Robbery, etc.	Traffic, Vehicle Related	Fight, Assaults	Noise violation	Off Duty Assignment	Miscellaneous	
Liaison	37 N Crater RD	107	7	2	3	15	6	1	0	4	145
Paradise	1714 E Washington St	12	7	0	1	6	4	0	54	6	90
Andrades	7 Bollingbrook St	37	3	8	1	3	4	10	0	11	77
Mars club 17	118 Mars St	16	4	1	0	2	2	25	2	14	66
Civic	136 River St	12	7	1	3	3	3	1	10	11	51
Good Vibes	3035 S Crater Rd	17	7	0	1	1	1	0	0	10	37
Horseman	2793 S Crater Rd	1	0	0	1	1	1	0	13	3	20
Wabi	29 Bollingbrook Rd	0	2	1	8	1	1	0	0	5	18
Longstreets	302 N Sycamore St	1	4	0	0	3	0	0	1	8	17
Alibi	305 N Sycamore St	0	5	0	0	2	0	0	0	9	16
Trapezium	423 Third St	0	1	0	2	1	0	0	0	5	9
Dreamz	840 E Wythe St	0	0	1	0	0	0	1	0	1	3



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Alternative Financial Institution/Short-Term Loan Establishment and Small Box Discount Store Uses Within the City - Pages 90-165**

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**PURPOSE:** To regulate short-term loan establishments in the city as well as formalize text and an ordinance to amend the City Code based on action taken by Council in 2021 on alternative financial institutions and small box discount stores (acted on at the same time as short-term loan establishments, but also not formally codified). The proposed ordinance amendment would clarify and expand upon Council’s 2021 action and the Planning Commission has recommended approval.

**REASON:** With anticipated development coming to the City, there are concerns that there will be an influx of proposals for short-term loan establishments, which place an emphasis on small-dollar, short-term, high-interest loans as opposed to traditional financial institutions. These establishments often deal with check cashing, cash advances, motor vehicle title lending, and payday lending.

The proposed text amendment aims to reduce predatory lending practices through additional restrictions on short-term loan establishments and to introduce provisions ensuring that where discount stores are allowed, they are obligated to provide fresh food options for patrons.

**RECOMMENDATION:** Planning Commission and Staff recommend approval.

**BACKGROUND:** At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate short-term loan establishments within the City. In March of 2021, City Council adopted a Zoning Ordinance amendment which defined these establishments as “alternative financial institutions”. The same amendment also introduced a definition of “small box discount stores,” retail uses with a floor area less than 12,000 square feet offering convenience shopping goods for less than \$10.00 per item. Per Council’s vote, a Special Use Permit was intended to be required for both uses, but this portion of the amendment was never formally adopted into the Ordinance.

The 2021 Ordinance amendment followed a report by the City’s Economic Development and Planning

Departments that looked at the prevalence of small box discount stores and alternative financial institutions within the City and detailed some of the predatory practices and negative impacts generally associated with those uses. The report included several recommendations for definitions and regulations pertaining to these uses, but some of these items were not captured in Council’s vote.

Staff’s intent with this proposed amendment is to clarify the 2021 policy by including some of the provisions that were not adopted in the Ordinance as well as expanding those provisions to equip the City to deal with any anticipated challenges that may come with future development.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 1. 24-ZTA-10 Memo
2. 2. Payday Loans
3. 3. Ordinance
4. 4. Tracked Changes - Combined
5. 5. Report on Loan Establishments and Discount Stores
6. 2021 Ordinance



# City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

## MEMORANDUM

**DATE:** December 2024

**TO:** City Council

**FROM:** Planning Commission

**RE:** A Public Hearing of an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of alternative financial institution/short-term loan establishment and small box discount store uses within the City.

### EXECUTIVE SUMMARY:

At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate short-term loan establishments within the City. In 2021, City Council amended the Zoning Ordinance to require Special Use Permits for alternative financial institutions. The 2021 amendment also applied to small box discount stores, but the amendment was never incorporated entirely into the Zoning Ordinance. Staff has drafted a proposed ordinance amendment which would clarify and expand upon Council's 2021 action and Planning Commission has recommended approval.

### CHRONOLOGY OF EVENTS:

1. October 1, 2024 – City Council voted to direct staff to initiate a zoning ordinance text amendment to regulate short-term loan establishments within the city.
2. October 2024 – Staff conducted research and found that these establishments require a special use permit, but that was never reflected in the Zoning Ordinance (same with small box discount stores).
3. November 7, 2024 – Planning Commission was presented an amendment and recommended approval.

## **BACKGROUND:**

With anticipated development coming to the City, there are concerns that there will be an influx of proposals for short-term loan establishments, which place an emphasis on small-dollar, short-term, high-interest loans as opposed to traditional financial institutions. These establishments often deal with check cashing, cash advances, motor vehicle title lending, and payday lending.

In March of 2021, City Council adopted a Zoning Ordinance amendment which defined these establishments as “alternative financial institutions”. The same amendment also introduced a definition of “small box discount stores,” retail uses with a floor area less than 12,000 square feet offering convenience shopping goods for less than \$10.00 per item. Per Council’s vote, a Special Use Permit was intended to be required for both uses, but this portion of the amendment was never formally adopted into the Ordinance.

The 2021 Ordinance amendment followed a report by the City’s Economic Development and Planning Departments that looked at the prevalence of small box discount stores and alternative financial institutions within the City and detailed some of the predatory practices and negative impacts generally associated with those uses. The report included several recommendations for definitions and regulations pertaining to these uses, but some of these items were not captured in Council’s vote.

Staff’s intent with this proposed amendment is to clarify the 2021 policy by including some of the provisions that were not adopted in the Ordinance as well as expanding those provisions to equip the City to deal with any anticipated challenges that may come with future development.

### **Proposed Changes:**

The draft Ordinance amendment comprises the following changes:

Short-term loan establishments:

- Redefine “alternative financial institution” as “short-term loan establishment” and include specific language about the types of activities that are covered by the term with references to the Code of Virginia.
- Define “financial institution” and “pawnshop” to differentiate these uses from short-term loan establishments.
- Clarify a Special Use Permit is required for a short-term loan establishment; the use will be limited to the B-2, General Commercial and M-1, Light Industrial Districts only.
- Add requirements for short-term loan establishments to be at least 2,000 feet away from 1) any adult entertainment use, 2) residential use, 3) school, park, or religious assembly use, or 4) existing short-term loan establishment.

Small box discount stores:

- Clarify a Special Use Permit is required for a small box discount store; the use will be limited to the B-1 Shopping Center, B-2, General Commercial, B-3 Central Commercial, M-1, Light Industrial, and MXD-1 and MXD-2, Mixed Use Districts only.
- Add requirements for small box discount stores to 1) be at least two miles from any existing discount store and 2) to include at least 10 percent of floor space dedicated to the sale of fresh foods.

### **COMPREHENSIVE PLAN CONSIDERATIONS:**

Further regulation of these uses appears to be generally supported by the PetersburgNEXT Comprehensive Plan.

The Comprehensive Plan speaks indirectly to both the uses covered in this proposed amendment. The plan underscores the negative effects of predatory lending practices on the City's residents historically, particularly within the context of fair housing, workforce development, and building community wealth. The plan also highlights the lack of access to healthy food in low-income areas or "food deserts" and the importance of attracting sustainable sources of healthy food for all residents.

The proposed text amendment aims to reduce predatory lending practices through additional restrictions on short-term loan establishments and to introduce provisions ensuring that where discount stores are allowed, they are obligated to provide fresh food options for patrons.

**RECOMMENDATION:** Planning Commission and staff recommend approval of the proposed text amendment.

CITY COUNCIL  
MEETING

DECEMBER  
2024



# 2024-ZTA-10:

A Public Hearing of an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of alternative financial institution/short-term loan establishment and small box discount store uses within the City.

# Background

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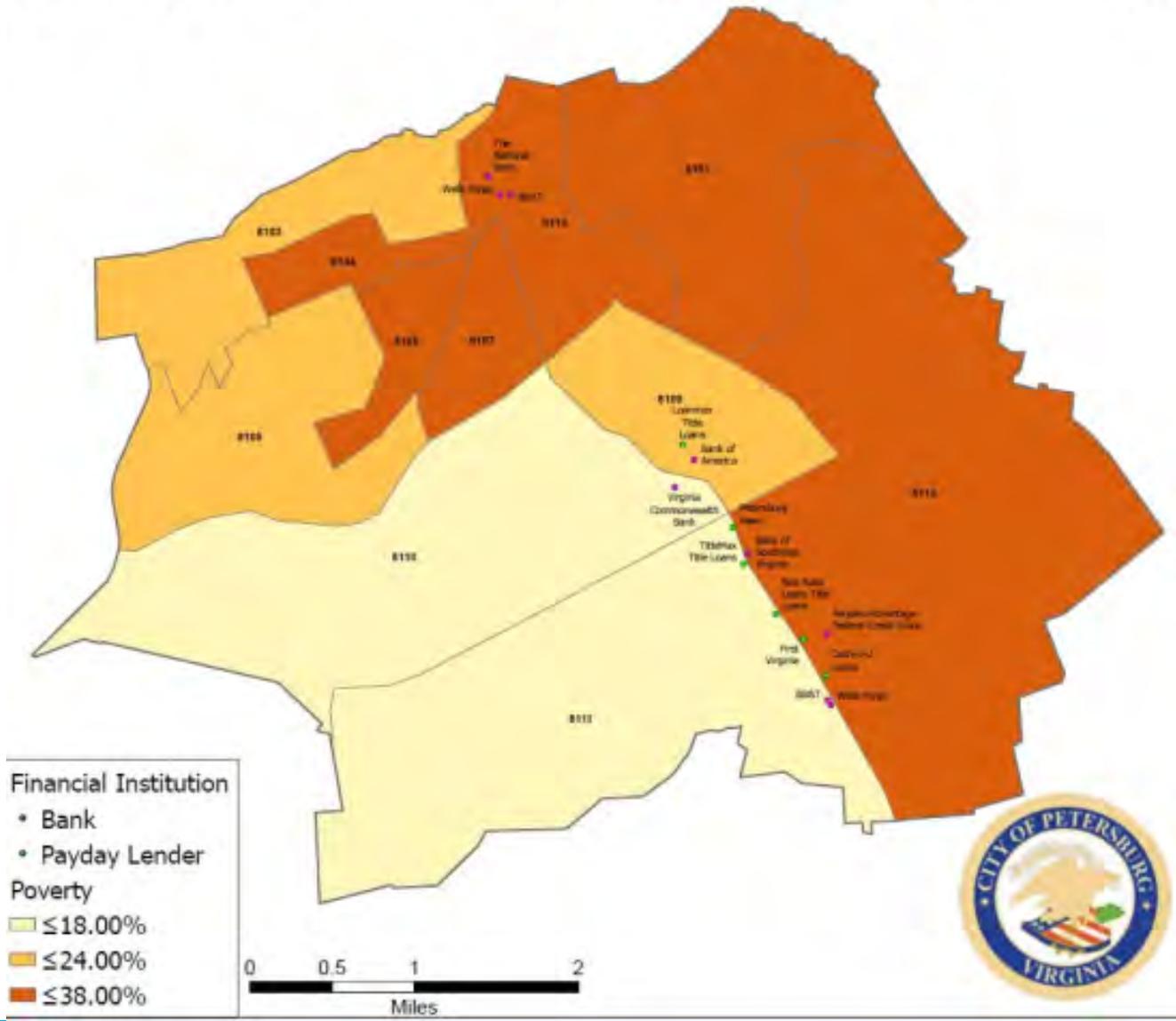
- A 2021 ordinance defined short term loans and small box discount store uses and aimed to require a special use permit for them, but was not adopted in its entirety.
- Short-term loan establishments - emphasis on small-dollar, short-term, high-interest loans as opposed to traditional financial institutions.
- Small box discount stores - retail uses with a floor area less than 12,000 square feet offering convenience shopping goods for less than \$10.00 per item.

# Background

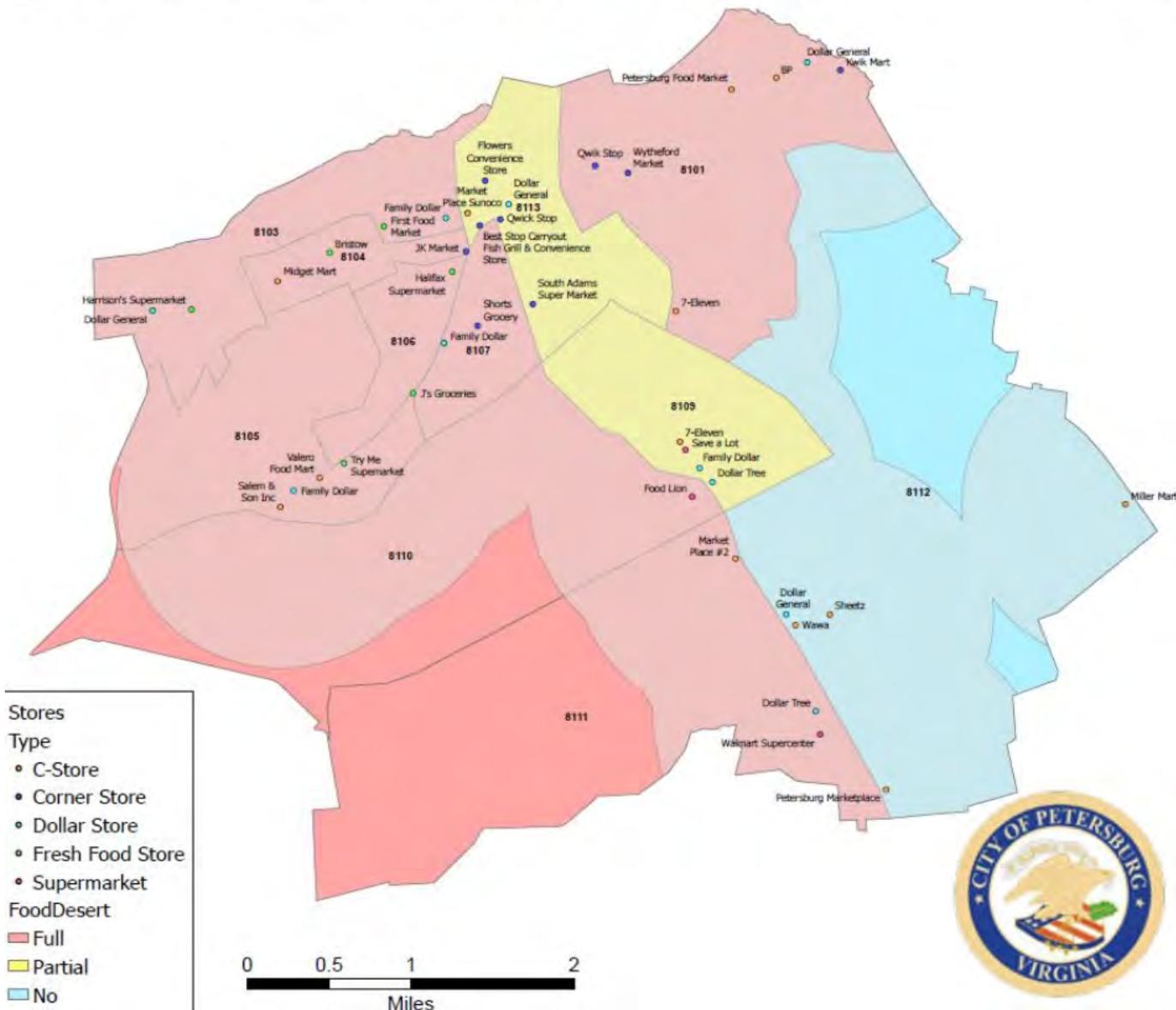
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- Uses often concentrated in areas with disproportionately low-income and minority populations.
- Negative effects of such uses include prolonged indebtedness and lack of access to nutritious foods.
- As of 2021, discount stores outnumbered fresh food retailers and short-term loan establishments were almost as common as banks; influx of short-term loan establishments may be anticipated with future development.

# City of Petersburg Poverty and Banks and Payday Lenders



# Food Desert and Stores: 1-mile radius



# Overview

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## **Components of the proposed amendment:**

- A.** Update and expand on definitions from 2021.
- B.** Clarify Special Use Permit is required for both uses.
- C.** Incorporate additional standards to address anticipated future challenges.

# Definitions

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- NEW: Short-term loan establishment - A business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Banks, savings and loans institutions, credit unions, and retail stores, among others, are not considered to be short-term loan establishments.
- Former: **Alternative financial institution - Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.**

# Definitions – cont.

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- NEW: Financial institution - Any establishment, the primary business of which is concerned with such federal or state regulated activities as banking, savings and loans, and consumer loan companies, not including pawnshops or short-term loan establishments.
- NEW: Pawnshop. Any establishment which loans money on the security of a borrower's personal property held in keeping of the pawnbroker.
- EXISTING: Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

# Use Standards

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- Special Use Permit required for both uses.
- Discount stores allowed in B-1, B-2, B-3, M-1, and MXD Districts; new stores must be at least two miles from any existing discount store and must have 10 percent of floor space dedicated to fresh foods.
- Short-term loan establishments limited to B-2 and M-1 Districts; new establishments must be at least 2,000 feet from any adult entertainment establishment, residential use, school, park, or religious assembly use, or existing short-term loan establishment.

# Comprehensive Plan Considerations

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- Negative effects of predatory lending practices can be seen in the City; there are long-term impacts on fair housing, workforce development, and community wealth goals.
- Many low-income residents do not have ready access to healthy food options; attracting sustainable sources of healthy food for ALL residents is goal.
- The proposed amendment aims to reduce predatory lending practices through additional restrictions on short-term loan establishments and to introduce provisions ensuring that where discount stores are allowed, they are obligated to provide fresh food options.

# Recommendation

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- Staff recommends approval.
- Planning Commission recommends approval.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting the Zoning Ordinance of the City of Petersburg pertaining to the regulation of alternative financial institution/short-term loan establishment and small box discount store uses within the City.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

**AN ORDINANCE APPROVING THE AMENDMENT AND READOPTION OF THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO THE REGULATION OF ALTERNATIVE FINANCIAL INSTITUTION/SHORT-TERM LOAN ESTABLISHMENT AND SMALL BOX DISCOUNT STORE USES WITHIN THE CITY.**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3.- Definitions and Article 23 – Supplementary Use Regulations – Special Uses, which deal with land uses in the City and regulation of such uses; and

WHEREAS, staff was directed by City Council to draft regulations pertaining to short-term loan establishments within the City; and

WHEREAS, on March 16, 2021 City Council adopted an amendment to the Zoning Ordinance to define “alternative financial institutions” and “small-box discount” stores and to require an approved Special Use Permit for these uses due to the negative impacts of these uses and the concentration of these uses in areas with disproportionately low income and minority populations; and

WHEREAS; the Ordinance was never updated to reflect that a Special Use Permit would be required for these uses; and

WHEREAS; the City Council acknowledges that small-box discount stores typically provide foods with low nutritional value and short-term loan establishments can lead to prolonged indebtedness and increases financial delinquency; and

WHEREAS, the City Council is supportive of regulating short-term loan establishments by requiring separation from any adult entertainment uses, residential uses, schools, parks, or religious assembly uses, and existing short-term loan establishments; and

WHEREAS, the City Council is supportive of regulating small-box discount stores by requiring separation between stores and requiring at least ten (10) percent of floor space to be dedicated to the sale of fresh foods; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions and Article 23.- Supplementary Use Regulations – Special Uses as set forth in the Zoning Ordinance as indicated in Exhibit A.

## **ARTICLE 3. DEFINITIONS**

### **Section 1. General rules of construction.**

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

### **Section 2. Definitions.**

*Abattoir.* A commercial slaughterhouse.

*Accessory building.* An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

*Accessory use.* An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

*Adult book store.* A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

*Adult entertainment establishment.* A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

*Adult motion picture theater.* A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or "specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are

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restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

*Adult video store.* A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

*Alley.* A public way which affords only a secondary means of access to property abutting thereon.

*Alteration.* Any change in the total floor area, use, adaptability or external appearance of an existing structure.

~~*Alternative financial institution.* Any check cashing establishment other than a federally or state chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.~~

*Apartment.* A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

*Apartment house.* Same as "dwelling, multiple-family."

*Assisted living facility.* A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

*Automobile.* A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

*Automobile self-service station.* Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

*Automobile service station.* Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

*Basement.* That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

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*Bed-and-breakfast inn.* A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

*Boardinghouse.* A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

*Breezeway.* A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

*Building.* Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

*Building, height of.* The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

*Buildable width.* The width of that part of a lot not included within the open space herein required.

*Child-care center.* A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

*Clinic.* An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

*Club.* Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which insures to any individual, and not primarily to render a service which is customarily carried on as a business.

*Conditional zoning.* As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

*Commission.* The planning commission of the City of Petersburg.

*Court.* An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

*District.* Any section of the City of Petersburg within which the zoning regulations are uniform.

*Drive-in restaurant.* A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

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*Dwelling.* Any building, or portion thereof: designed or used for residential purposes.

*Dwelling, single-family.* A building designed for use, or occupied exclusively, by one family.

*Dwelling, two-family.* A building designed for, or occupied exclusively, by two families living independently of each other.

*Dwelling, multiple-family.* A building designed for, or occupied exclusively, by three or more families living independently of each other.

*Dwelling, townhouse.* One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

*Dwelling unit.* A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

*Family.* One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

*Family day-care home.* Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

*Financial institution.* Any establishment, the primary business of which is concerned with such federal or state regulated activities as banking, savings and loans, and consumer loan companies, not including pawnshops or short-term loan establishments.

*Floor area.* The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

*Frontage.*

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

*Garage, private.* An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [, such vehicle] of not more than two tons capacity.

*Garage, storage or parking.* A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

*Gasoline service station.* Same as automobile self-service station.

*Grade.*

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- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

*Group home.* As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

*Guesthouse.* Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

*Hospital.* A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

*Hotel, motel.* An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

*Live entertainment.* An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

*Loading space.* A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

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*Lodging house.* Same as "boardinghouse."

*Lot.* A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

*Lot, area.* The total horizontal area within the lot lines of the lot.

*Lot, corner.* A lot abutting upon two or more streets at their intersection.

*Lot, depth of.* The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

*Lot, interior.* A lot whose side line or lines do not abut upon any street.

*Lot, through.* An interior lot having frontage on two streets.

*Lot of record.* A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

*Lot, width.* The distance between the side lot lines measured at the required front yard line.

*Micro-brewery, micro-distillery, micro-winery and/or micro-cidery.* A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

*Mini-storage facility, mini-warehouse, or self-storage facility.* A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

*Mobile food unit.* A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

*Mobile home.* An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

*Mobile home park.* Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

*Mobile home space.* A plot of ground within a mobile home park designed for accommodation for one mobile home.

*Mobile home subdivision.* Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

*Modular home or unit.* An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

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*Nightclub.* An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- (2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (4) The establishment shall maintain a current, active business license at all times while in operation.
- (5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- (6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

*Nonconforming use.* Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

*Parking space, off-street.* An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

*Pawnshop.* Any establishment which loans money on the security of a borrower's personal property held in keeping of the pawnbroker.

*Premises.* A lot, together with all buildings and structures thereon.

*Private club.* An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

*Private nursery school.* A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

*Private plaza.* A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

*Proffer.* A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

*Recreational Substances.* Recreational substances includes the following:

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- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

*Recreational Substances Retail, Off-Site Use:* Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

*Recreational Substances Retail, On-Site Use.* Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

*Restaurant.* An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

*Restaurant, carry out.* An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

*Restaurant, coffee or ice cream shop.* A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

*Rooming house.* Same as "boardinghouse."

*Short-term loan establishment.* A business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Banks, savings and loans institutions, credit unions, and retail stores, among others, are not considered to be short-term loan establishments.

*Sign.* A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

*Sign area.* That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

*Sign, flashing.* Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

*Sign, illuminated.* Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

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*Small box discount store.* Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

*Solar panel, small.* Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

*Solar farm.* Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

*Specified anatomical area.* As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

*Stand-alone used vehicle sales.* A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

*Stand-alone vehicle repair shop.* A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

*Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

*Story, half.* A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

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*Street.* A public thoroughfare which affords the principal means of access to abutting property.

*Street line.* A dividing line between a lot, tract, or parcel of land and a contiguous street.

*Structure.* Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

*Structural alterations.* Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*Tourist court, auto court.* Same as "motel."

*Tractor-trailer.* A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

*Tractor-trailer service station or truck stop.* Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

*Trailer park, auto trailer camp or mobile home court.* That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

*Travel trailer.* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

*Truck.* A vehicle with a gross weight of more than five tons.

*Vehicle demolisher.* Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

*Vehicle rebuilder.* Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

*Vehicle removal operator.* Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

*Vehicle salvage dealer.* Any person who acquires any vehicle for the purpose of reselling any parts thereof.

*Vehicle tow lot or storage lot.* The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

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*Yard.* An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

*Yard, front.* A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

*Yard, rear.* A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

*Yard, side.* A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

## **ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES**

### **Section 1. [Procedure for obtaining special use permit.]**

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

### **Section 2. [Qualification of nonconforming use as special use.]**

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

### **Section 3. [Additions or alterations to special uses.]**

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

### **Section 4. Special uses enumerated.**

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;

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- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
  - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
  - (b) One-half (½) off-street parking space per sleeping room;
  - (c) Resident-manager on premises;
  - (d) Permitted sign area not to exceed two (2) square feet;
  - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.

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- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
  - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
  - b. No exterior alterations to the residence;
  - c. Not transferable;
  - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
  - e. No more than two (2) employees;
  - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
  - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.
- (39) Small box discount stores, such to be permitted within the B-1, B-2, B-3, M-1, MXD-1, and MXD-2 Districts only, , with the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
  - a. A new small box discount store shall be located at two (2) miles from any existing small box discount store;

- b. A minimum of ten (10) percent of floor space shall be dedicated to the sale of fresh foods as defined by the United States Food and Drug Administration
- (40) Short-term loan establishments, such to be permitted within the B-2 and M-1 Districts only, with the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
  - a. The short-term loan establishment shall be located at least two thousand (2000) feet from any parcel occupied by an adult entertainment establishment;
  - b. The short-term loan establishment shall be located at least two thousand (2000) feet from any residential zoning district or existing residential use;
  - c. The short-term loan establishment shall be located at least-two thousand (2000) feet from any parcel occupied by a religious assembly or institution; a school or child-care center serving students in grades K-12; a public park, public playground, or public recreation and community building; or a public library;
  - d. The short-term loan establishment shall be located at least two thousand (2000) feet from another short-term loan establishment

#### **Section 4.1. Special use permits for communication towers; criteria and procedures.**

- (1) *Definitions.*
  - a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
  - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
  - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.
- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
  - a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
  - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.

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- c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
  - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

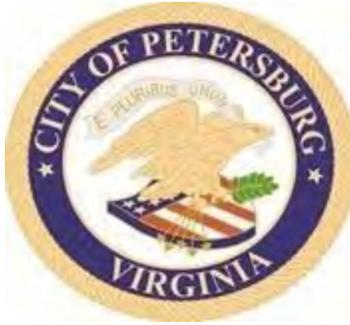
Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

**Section 5. [Restrictions upon accessory buildings, cellars and basements.]**

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.



# **Report on Small Box Discount Stores and Alternative Financial Institutions in Petersburg, Virginia**

Produced by the Department of Economic Development and the Department of Planning and Community Development. Special thank you to the City Assessor's Office for assisting in generating the GIS maps displayed throughout the document. January 2021.

## **Executive Summary**

The objective of this report is to help define Small Box Discount Stores and other food-related stores in the Zoning Ordinance for Special Use Permitting purposes to help achieve positive health and economic outcomes for the City of Petersburg.

This report found that Small Box Discount Stores, Small Box Retail Stores, and Convenience Stores greatly outnumber Fresh Food Stores and Supermarket. Small Box Discount Stores, also commonly known as dollar-type stores, contribute to poor health and economic outcomes in many communities they are found in. Alternative Financial Institutions were found too to contribute to poor economic outcomes. While these types of stores were not overwhelming found in the poorest parts of Petersburg, as conventional wisdom would indicate, there is still justification in action by the City Council on behalf of the Petersburg community to better regulate food-related stores to better meet the needs of the constituency, which as of the writing of this report rank 133 out of 133 in health outcomes in the Commonwealth of Virginia.

Recommended actions include updating the Zoning Ordinance to define these stores, which are currently not defined at all. A moratorium is recommended on the construction of future dollar-type stores and Alternative Financial Institutions. Special Use Permit requirements are recommended to prevent dollar-type stores and Alternative Financial Institutions from opening within a certain distance of each other. The Special Use Permit for dollar-type stores should also mandate at least 10% of floor space be dedicated to the sale of fresh foods. Additional recommended actions can be found in the 'Proposed Action' section beginning on page 32.

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## **Preface**

From the December 8, 2020 Petersburg, Virginia City Council meeting, City Council discussed the feasibility of Zoning Ordinance amendments to address concerns regarding Dollar Store-style establishments. To meet the requests of Council in understanding the proliferation of these small box discount stores and their implications within the city limits of Petersburg, the following report has been prepared by the Department of Economic Development in conjunction with the Department of Planning and Community Development. Alternative Financial Institutions, more commonly known as Payday and Title Loan companies will also be examined to understand the role these types of businesses play in perpetuating poverty and debt in low-income, minority neighborhoods. This report will attempt to address the following objectives:

- The definition and seriousness of food insecurity and information from the Robert Wood Johnson Foundation report regarding food insecurity in Petersburg
- The number and location of each of these types of businesses in Petersburg
- The general types of products and services provided by these types of businesses
- The number and location of businesses that sell fresh food
- The percentage of small box discount stores compared to big box retail stores, and big box discount stores
- The percentage of alternative financial institutions compared to banking institutions
- Poverty levels in the census tracts where small box discount stores and alternative financial institutions in Petersburg are located
- Other related issues that will help inform the Planning Commission and the City Council

### **Petersburg, Virginia Demographic Information**

Petersburg, Virginia has a population of 31,362 as of 2019 across 22.7 square miles in 12,165 households. The median age of the City is 38.1, which is about the same as Virginia at 38.2 and the United States at 38.1, and a gender distribution of 54% female and 46% male; 51% female in Virginia and the U.S. and 49% male in Virginia and the U.S. Among residents over the age of 25, 36% have high school diplomas, 27% have some college, and 20% have bachelor degrees or more. The median household income is \$38,679 per year which is about half of the median household income of Virginia at \$74,222 and three-fifths of the U.S. at \$62,843. 24.1% of Petersburg residents live below the poverty line, which is more than double the rate in Virginia at 10.6% and 1.5 times more than the rate in the U.S. at 13.4%. 75% of workers commuted to work through an automobile and spent 22.7 minutes on average in-commute, which is less than the average of Virginia at 28.7 minutes and the U.S. at 26.9 minutes. (Census Reporter “Petersburg city, Virginia”)

### **Food Deserts**

Food Deserts are defined by the United States Department of Agriculture as “areas where people have limited access to a variety of healthy and affordable food” and are tracked by the USDA at the Census Tract level. Income, vehicle availability, and access to public transportation are notable characteristics that inform where Food Deserts arise. Expanded criteria for Food Deserts are at least 500 people and/or 33% of the census tract population residing more than 1 mile from a supermarket or large grocery store in urban areas, and more than 10 miles in rural areas. Supermarket / large grocery store in this instance is defined as “food stores with at least \$2 million in sales that contain all the major food departments found in a traditional supermarket.” The USDA report found that Food Deserts are more likely to be found in areas with higher levels

of poverty, regardless of urban or rural status. Food Deserts are also more likely to be found in areas with a larger percentage of minority population. (Dutko et al. “Characteristics and Influential Factors of Food Deserts”)

Petersburg, Virginia is divided into eleven Census Tracts (8101, 8103, 8104, 8105, 8106, 8107, 8109, 8110, 8111, 8112, 8113). As of a 2015 USDA analysis, Tracts 8101, 8103, 8104, 8105, 8106, 8107, 8110, 8111 are full Food Deserts. Tracts 8113 and 8109 are partial Food Deserts. Partial Food Desert means a half-mile rather than a mile from the nearest Supermarket. Only Tract 8112 is not a Food Desert by any definition. (USDA “Food Access Research Atlas”)

According to the Robert Wood Johnson Foundation, the U.S.’s largest philanthropy dedicated to addressing America’s health issues, ranked Petersburg as last, 133 out of 133, in the Commonwealth of Virginia in terms of Health Outcomes. While indicators such as educational attainment, smoking, obesity, physical inactivity, and access to healthcare certainly contribute to the holistic health outcome picture, access to healthy foods and a healthy diet can help address this problem at the source. Petersburg has a ‘Food Environment Index’ of 4 compared to the national index of 8.6 and the Virginia index of 8.9 [NOTE: index rates closer to 0 are worse, and rates closer to 10 are better]. (Robert Wood Johnson Foundation “Petersburg City (PB)”)

Food Deserts can provide a variety of poor health outcomes. Lack of access to healthy foods, such as fresh/raw meats, fish, poultry, and dairy products can contribute to higher incidences of caloric intake, higher intake of saturated and trans fats, added sugars, and excess sodium. Increased consumption of these processed foods can lead to high incidences of obesity, and higher incidences of diabetes just to name a few. (Caporuscio “What are food deserts, and how do they impact health?”)

### **Small Box Discount Stores Definitions**

To understand the role Small Box Discount Stores play in the context of Food Deserts, it is important to understand the nuanced differences between Small Box Discount Stores and other grocery stores; Small Retail Box Stores, Convenience Stores, Fresh Food Stores, Supermarkets, and Wholesale (Big Box) Stores.

Small Box Discount Stores shall be defined as retail space with floor area less than 10,000 square feet that offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products and other items with an emphasis on low, fixed sale price points. Small Box Discount Stores do not include retail spaces that contain a prescription pharmacy, sell gasoline or diesel fuel, primarily sell speciality, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars) and dedicate less than 15% of the floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables.

Small Box Retail Stores are retail space with floor area less than 10,000 square feet that offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products. Small Box Retail Stores dedicate less than 15% of the floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables, and can include retail space for a prescription pharmacy, and may sell alcoholic beverage products and lottery tickets, and may sell specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars). Small Box Retail Stores do not sell gasoline and/or diesel fuel.

Convenience Stores shall be defined as retail space with floor area less than 10,000 square feet that primarily offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products. Convenience

## Report on Small Box Discount Stores and Alternative Financial Institutions 7

Stores dedicate less than 15% of the floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables. Convenience Stores may include retail space to sell alcoholic beverage products and lottery tickets. Convenience Stores may sell gasoline and/or diesel fuel and do not sell specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars) and may not provide space for a prescription pharmacy.

Fresh Food Stores shall be defined as retail space with floor area less than 10,000 square feet that primarily offer for sale fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables, and specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars). These items must take up at least 15% of the floor area. Fresh Food Stores may sell food or beverages for off-premise consumption, household products, personal grooming and health products, alcoholic beverages, lottery tickets, a prescription pharmacy, and gasoline and/or diesel fuel.

Supermarkets shall be defined as retail space with floor area greater than 10,000 square feet, that primarily offer for sale fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables, and specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars). Supermarkets may sell food or beverages for off-premise consumption, household products, personal grooming and health products, alcoholic beverages, lottery tickets, and have a prescription pharmacy, but these items shall not take up more than 50% of the designated sales floor area or shelf space. Supermarkets are permitted to have facilities to sell gasoline and/or diesel fuel that do not count towards the sales floor limit.

Wholesale (Big Box) Retail Stores shall be defined as retail space with floor area greater than 10,000 square feet that offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products and other items with an emphasis on bulk purchases. Wholesale Stores may include retail spaces that contain a prescription pharmacy, sell gasoline or diesel fuel, speciality food items (e.g. meat, seafood, cheese

or oils and vinegars) and should dedicate at least 15% of the designated sales floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables.

### **Alternative Financial Institutions Definitions**

To understand the impact of Alternative Financial Institutions, it is important to understand how the services they provide differ from traditional Banking Institutions and Credit Unions.

Alternative Financial Institutions shall be defined as financial services provided with an emphasis on a small-dollar, short-term, high-interest basis. This shall include institutions with an emphasis on check cashing, cash advances, motor vehicle title lending, payday lending, and pawn lending. Alternative Financial Institutions do not receive deposits for long-term savings and investment, and these deposits are not insured by the Federal Deposit Insurance Corporation (FDIC).

Banking Institutions shall be defined as financial services provided with an emphasis on long-term, low-interest basis. This shall include services such as checking and savings accounts, loan and mortgage services, automobile financing, credit and debit card services, and certificates of deposit. Banking Institutions shall require Federal Deposit Insurance Corporation (FDIC) insurance of up to \$250,000 for individuals and \$500,000 for jointly held deposits.

Credit Unions shall be defined as financial services provided with an emphasis on a not-for-profit basis. Credit Unions shall be characterized as member-owned-and-operated institutions that provide traditional banking services such as checking and savings accounts, loan and mortgage services, automobile financing, credit and debit card services, and certificates of deposit.

**Location of these Businesses**

General Information

To understand where Dollar Stores and Alternative Financial Institutions arise, it is important to understand how Petersburg is divided. As described earlier, the USDA uses Census Tracts to track Food Deserts. Utilizing the Census Tract division of Petersburg enables this report to understand the population and poverty levels in the Census Tracts where these stores are located. In the following table are the Census Tracts in Petersburg with demographic information (Census Reporter “Petersburg city, Virginia”):

<b>Census Tract Information - Petersburg, VA</b>					
<b>Census Tract</b>	<b>Population</b>	<b>Square Miles</b>	<b>Median Age</b>	<b>% in Poverty</b>	<b>Food Desert?</b>
Petersburg	31,362	22.7	38.1	24.1%	
8101	2,716	2.4	32.3	33.8%	YES
8103	2,778	1.3	42.5	20.4%	YES
8104	1,367	0.4	29.1	31.5%	YES
8105	3,184	1.8	45.4	20.6%	YES
8106	1,650	0.5	40.3	37.9%	YES
8107	2,205	0.5	43.7	30.0%	YES
8109	3,433	1.1	42.4	18.2%	AT-RISK
8110	4,232	3.8	38.7	17.1%	YES
8111	2,842	4.0	41.0	11.7%	YES
8112	4,121	5.9	31.8	24.8%	NO
8113	2,834	1.1	32.8	34.2%	AT-RISK

Report on Small Box Discount Stores and Alternative Financial Institutions 10

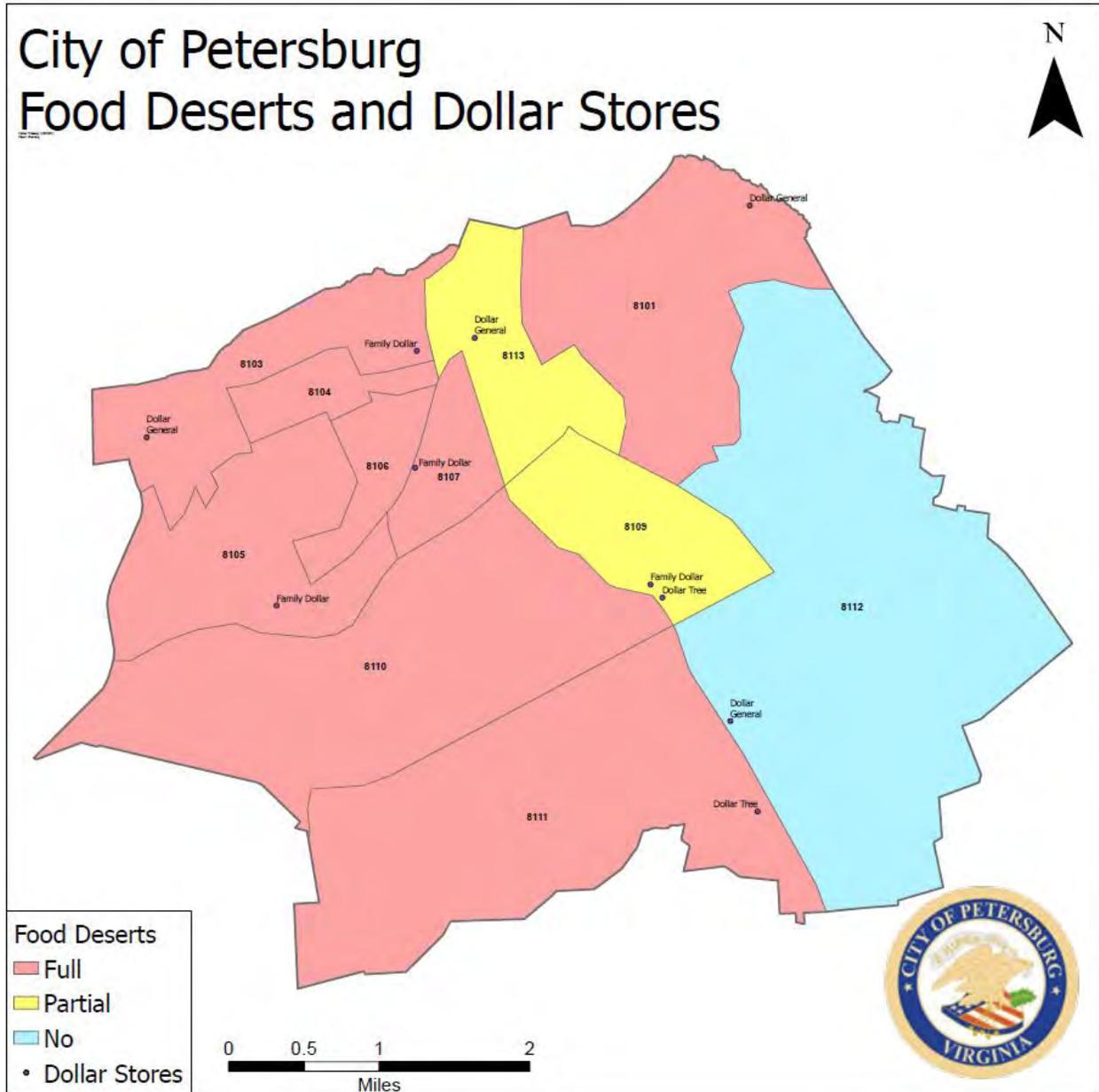
From this, we can see that Census Tract 8106 has the highest poverty rate in Petersburg at 37.9%. Other Census Tracts with poverty rates over the Petersburg average of 24.1% are Tracts 8101 at 33.8%, 8104 at 31.5%, 8107 at 30.0%, 8112 at 24.8%, 8113 at 34.2%. Tracts with Poverty Rates below the average are 8103 at 20.4%, 8105 at 20.6%, 8109 at 18.2%, 8110 at 17.1%, and 8111 at 11.7% - the smallest poverty rate in Petersburg.

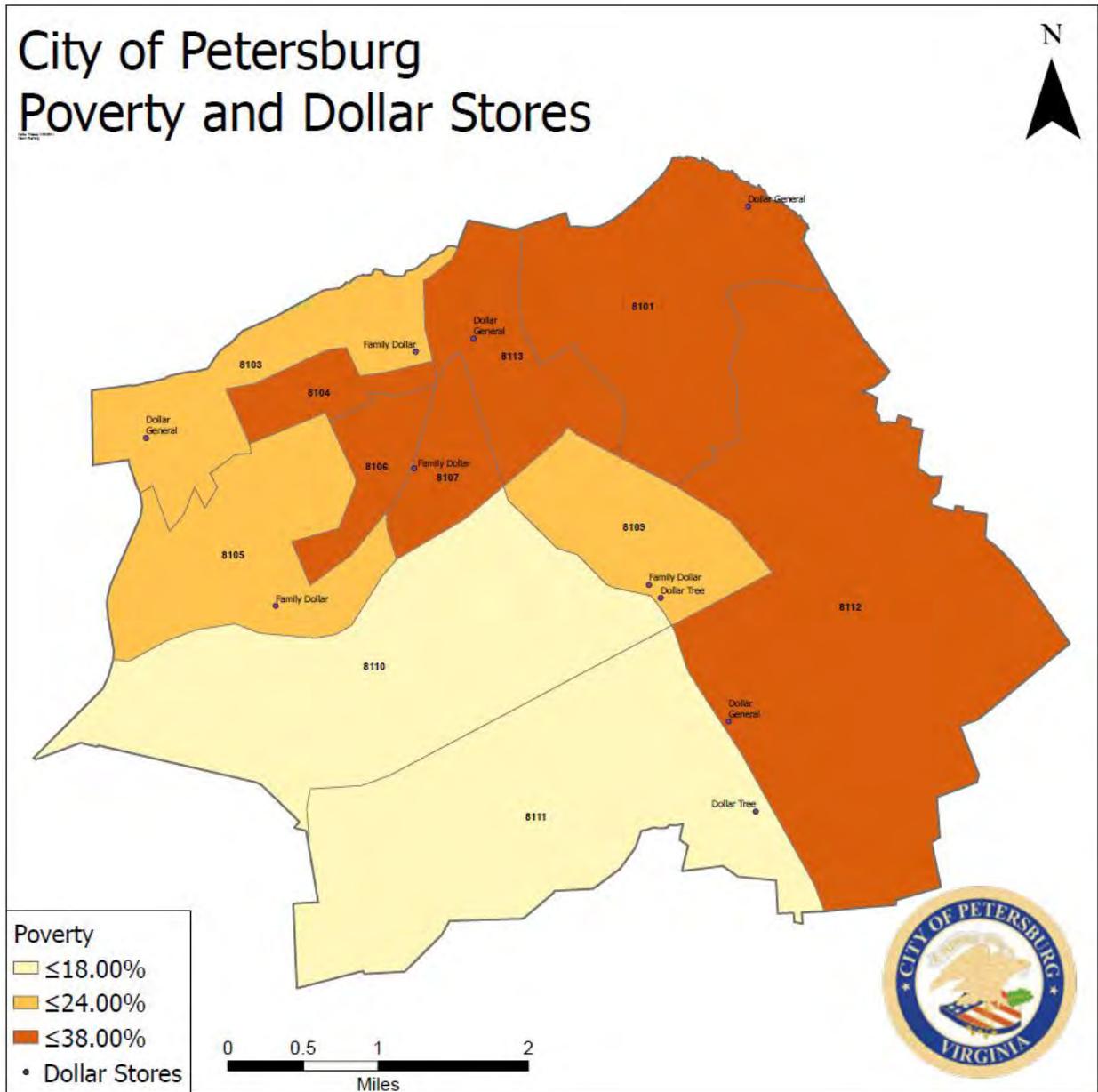
Small Box Discount Stores

In Petersburg, the following table outlines where the currently existing and in-development Small Box Discount Stores are located:

<b>Small Box Discount Stores</b>		
<b>Name</b>	<b>Address</b>	<b>Census Tract (Population / Poverty %)</b>
Dollar Tree	3330 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Proposed Dollar Tree	2141 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
Dollar General	2201 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)
Dollar General	3105 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Dollar General	2131 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
Proposed Dollar General	15 S Adams St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Family Dollar	250 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)
Family Dollar	798 Halifax St, Petersburg, VA 23803	8107 (2,205 / 30%)
Family Dollar	1847 Boydton Plank Rd, Petersburg, VA 23805	8105 (3,184 / 20.6%)

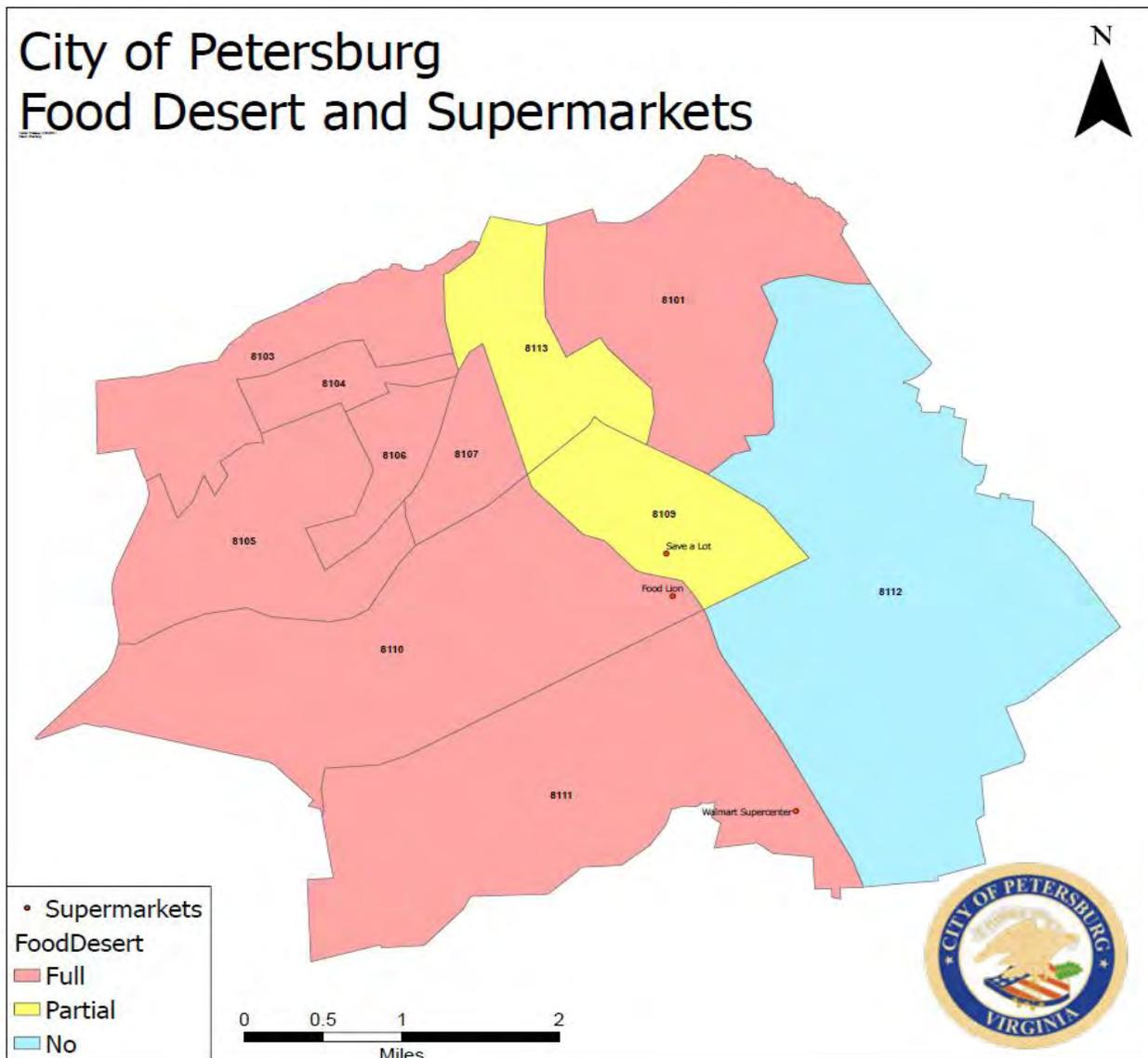
Family Dollar	2075 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
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From this, we can see that Tracts 8110, 8106, 8104 do not have any Small Box Discount Retail Stores. To be sure, 8106, the Census Tract with the highest poverty rate in Petersburg, is among these. 8104 also has a poverty rate above average at 31.5%. Tract 8110 has the second lowest poverty rate at 17.1%. Most notably, four of ten Small Box Discount Retail Stores are located on South Crater Road.

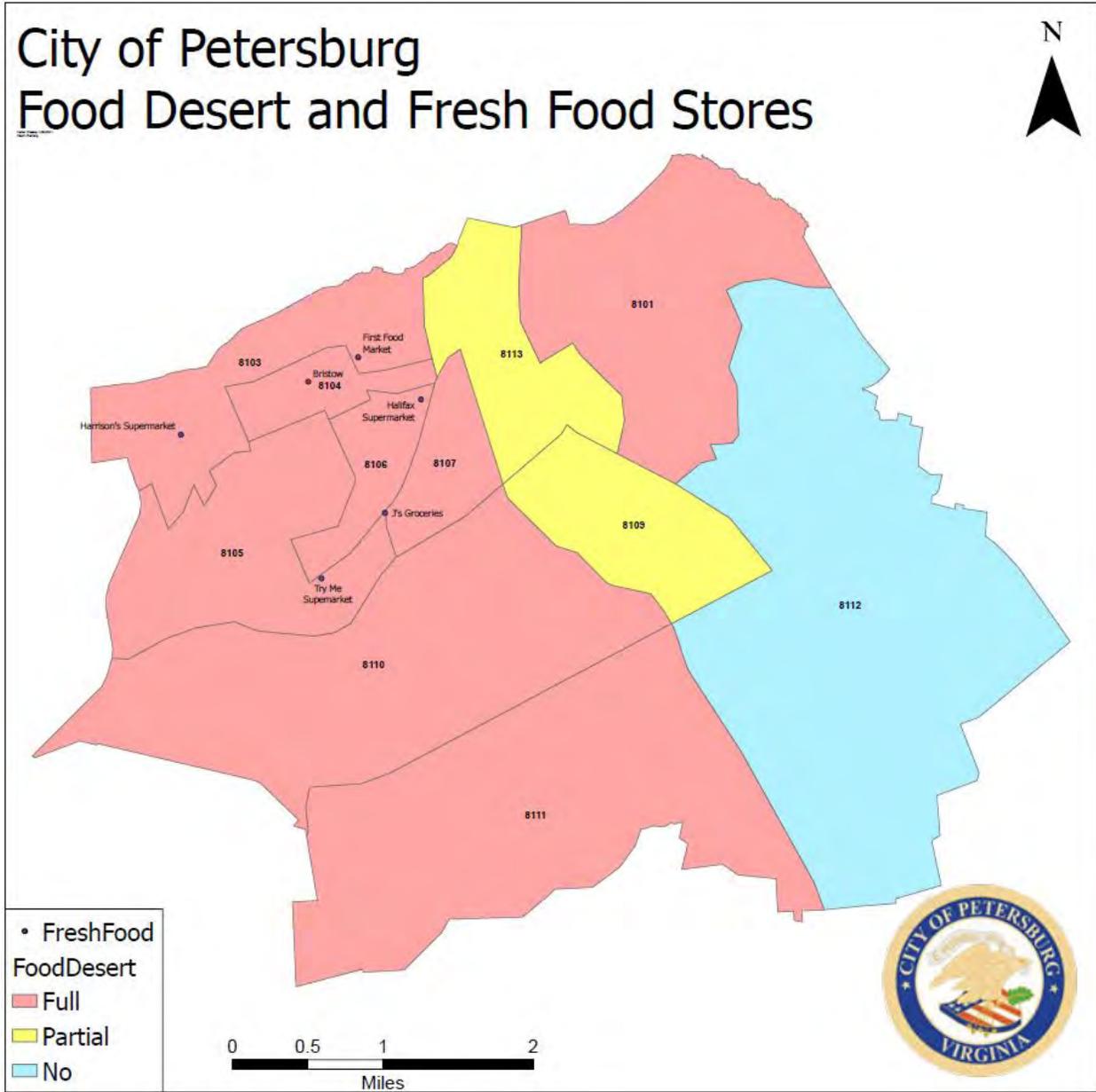
Supermarkets		
Name	Address	Census Tract (Population / Poverty %)
Walmart Supercenter	3500 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Food Lion	2120 S Crater Rd, Petersburg, VA 23805	8110 (4,232 / 17.1%)
Save A Lot	2001-2003 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)



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The three supermarkets in town are located all on South Crater Road in Tracts 8111, 8110, and 8109. Tract 8111, home of the Wal-Mart, is the least impoverished Tract in Petersburg at only 11.7% in poverty. Tract 8110, home of the Food Lion, is the second least impoverished at 17.1% in poverty. Tract 8109, home of the Save-A-Lot, is the third least impoverished at 18.2% impoverished. Despite this, according to the USDA definition of Food Deserts as at least 500 people and/or 33% of the Census Tract population residing more than 1 mile from a supermarket or large grocery store in urban areas, and more than 10 in rural areas, Tracts 8111 and 8110 are Food Deserts.

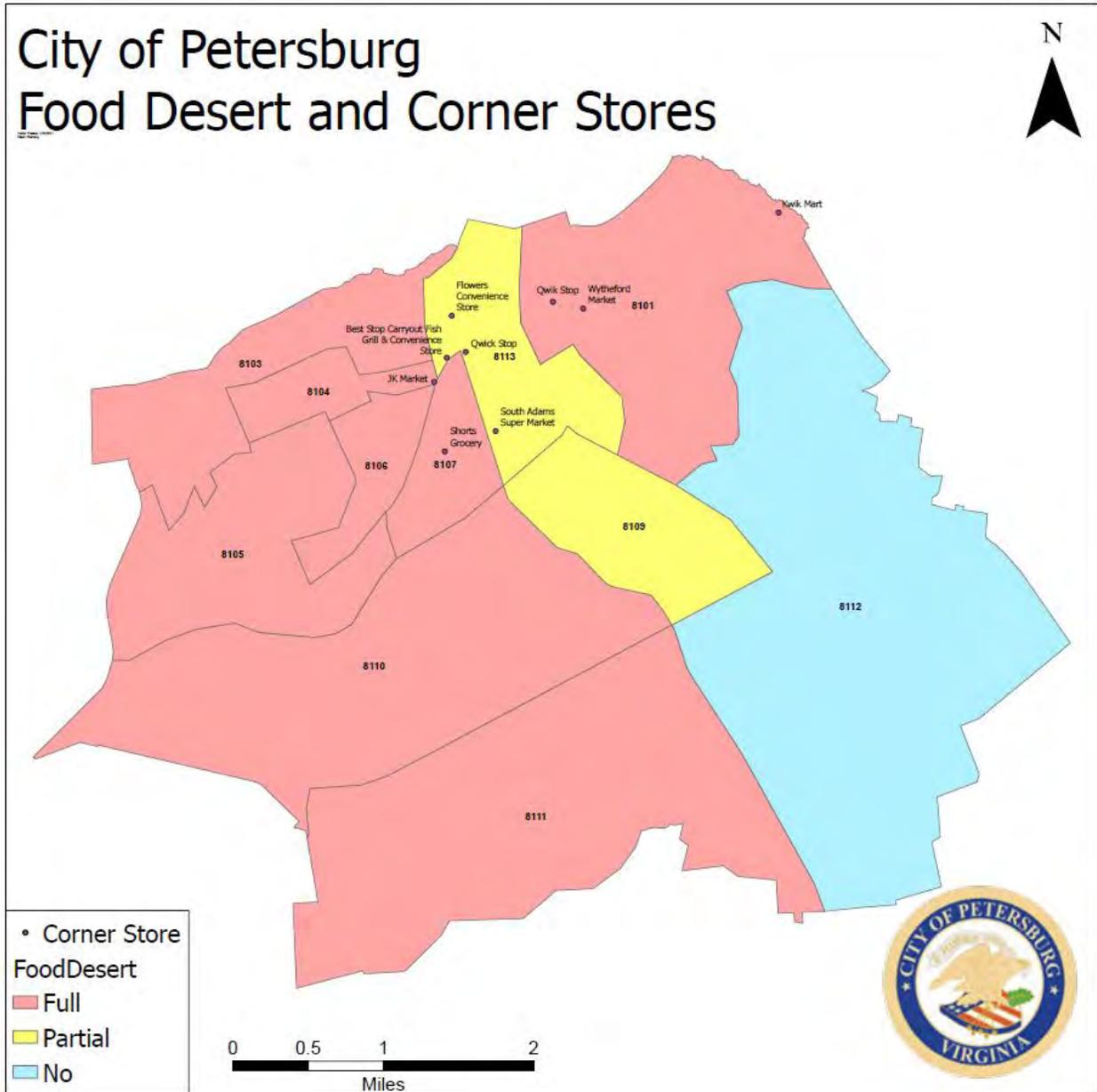
<b>Fresh Food Stores</b>		
<b>Name</b>	<b>Address</b>	<b>Census Tract (Population / Poverty %)</b>
Harrison's Supermarket	1900 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)
Bristow Market	1105 W Washington St, Petersburg, VA 23803	8104 (1,367 / 31.5%)
J's Groceries	1136 Halifax St, Petersburg, VA 23803	8107 (2,205 / 30.0%)
Try Me Supermarket	1614 Halifax St, Petersburg, VA 23803	8105 (3,184 / 20.6%)
Halifax Supermarket	303 Halifax St, Petersburg, VA 23803	8106 (1,650 / 37.9%)
First Food Market	705 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)



The Fresh Food Store, which are stores that provide a selection of raw meats and fresh fruits and vegetables, but do not meet the qualification of a Supermarket, are located all in the northwestern portion of the City. Because of how the USDA defines Food Deserts, it is difficult to indicate if these Tracts are truly food insecure or not. Five of the six non-South Crater Road Discount Retail Stores are located nearby these Fresh Food locations.

Report on Small Box Discount Stores and Alternative Financial Institutions 16

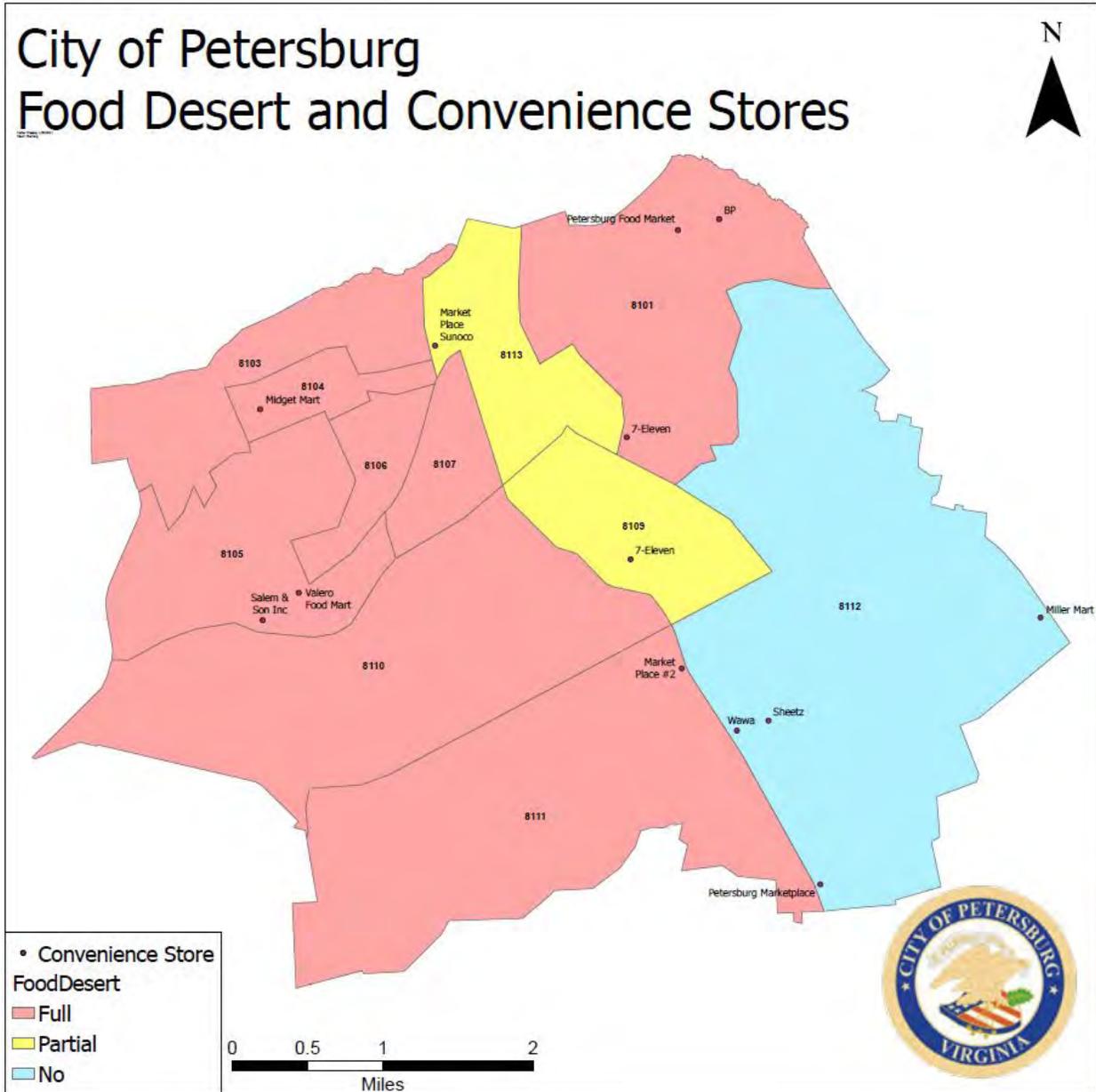
<b>Small Box Retail Stores (Corner Stores)</b>		
<b>Name</b>	<b>Address</b>	<b>Census Tract (Population / Poverty %)</b>
Qwick Stop	8 E Wythe St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Best Stop Carryout Fish Grill & Convenience Store	54 South Union Street, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Kwik Mart	2328 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
Shorts Grocery	300 Mistletoe St, Petersburg, VA 23803	8107 (2,205 / 30.0%)
Wytheford Market	840 E Wythe St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
South Adams Super Market	620 S Adams St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Flowers Convenience Store	133 N Sycamore St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
JK Market	211 Halifax St, Petersburg, VA 23803	8104 (1,367 / 31.5%)
Qwik Stop	15 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)



Small Box Retail Stores, commonly referred to as “Corner Stores”, are found largely in the middle of the northern portion of the City. Each of these stores are located in a Census Tract with an above average percentage of people living in poverty.

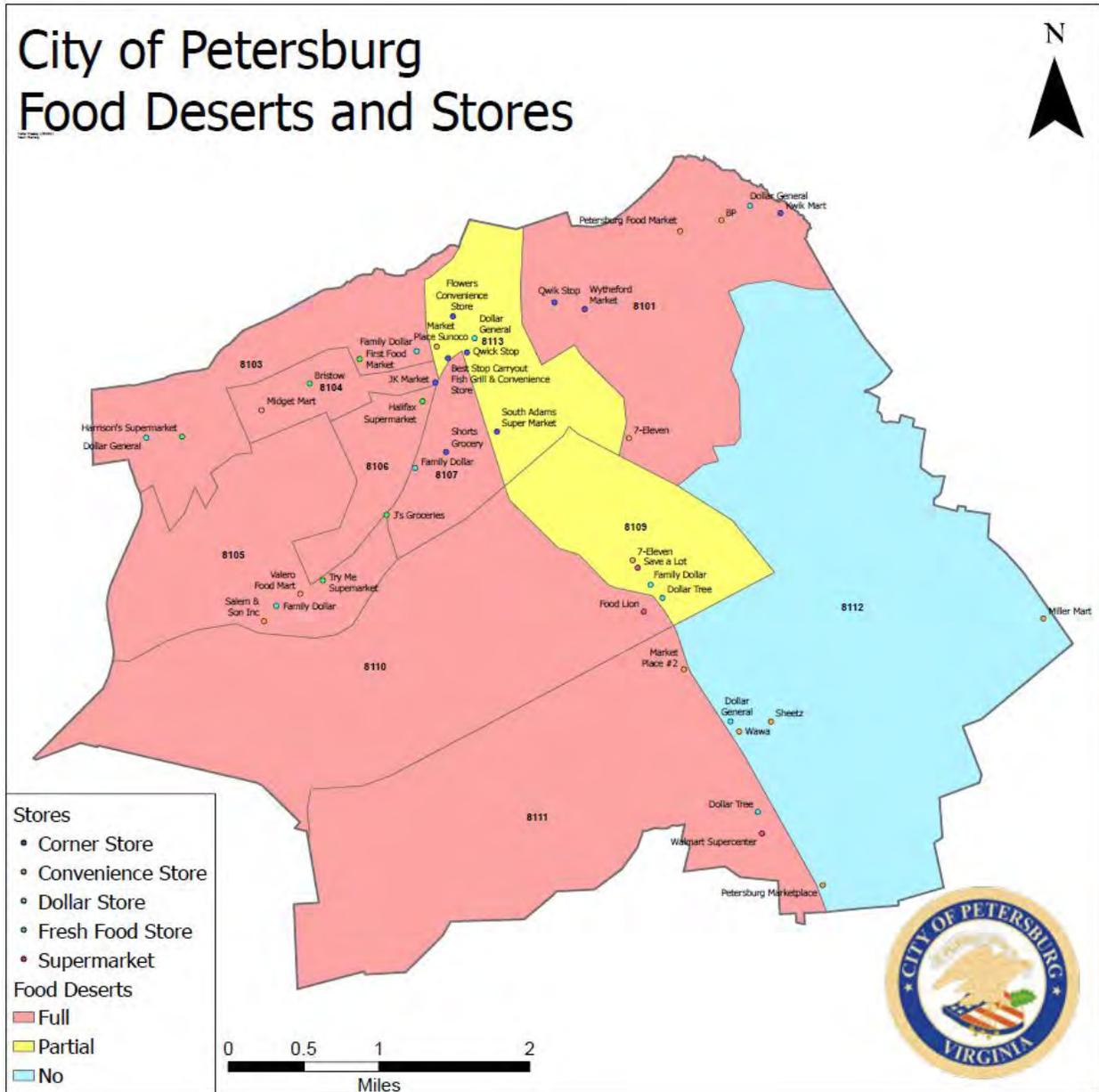
Report on Small Box Discount Stores and Alternative Financial Institutions 18

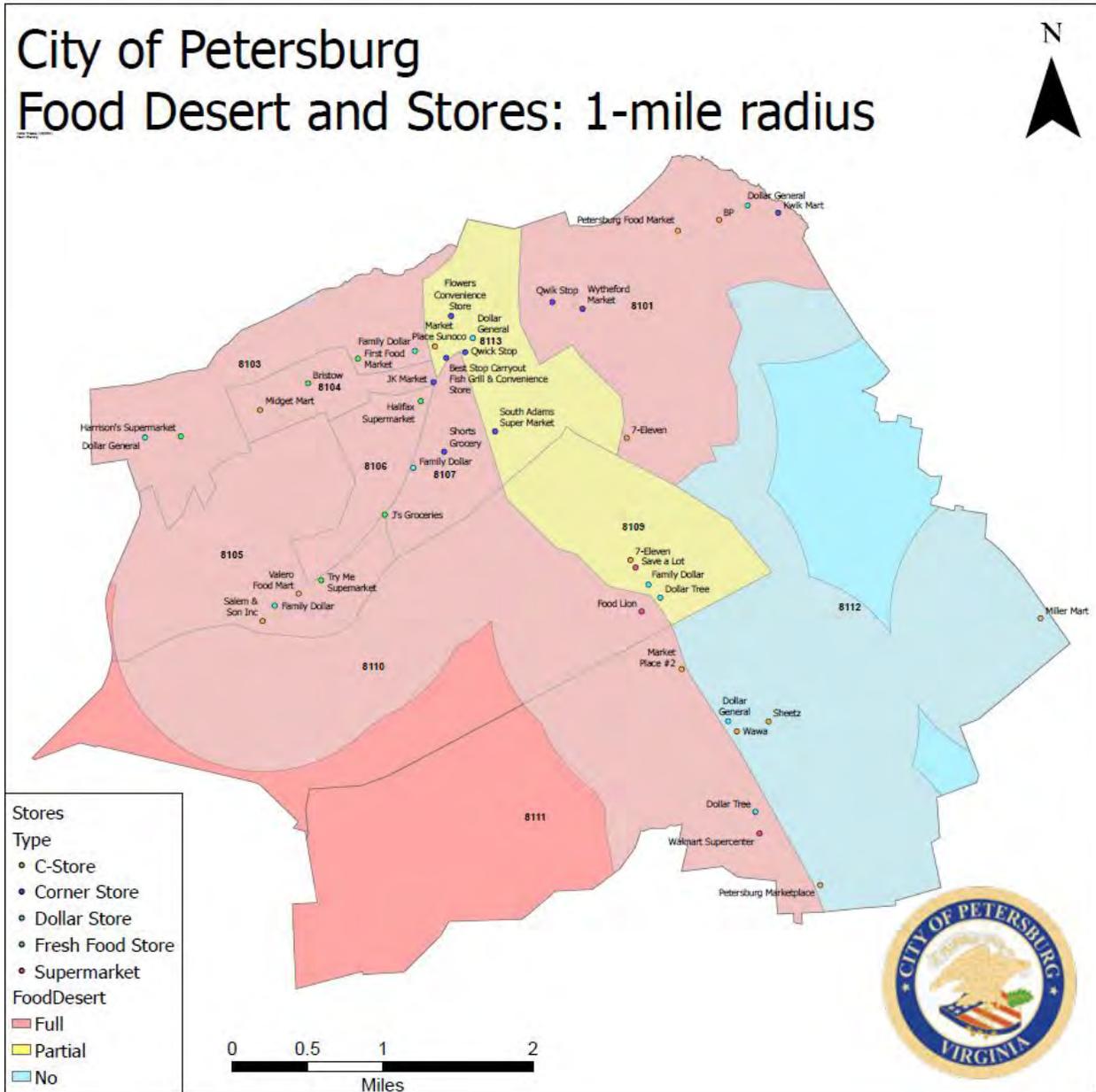
<b>Convenience Stores</b>		
<b>Name</b>	<b>Address</b>	<b>Census Tract (Population / Poverty %)</b>
Market Place Sunoco	110 W Washington St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Midget Mart	1420 W Washington St, Petersburg, VA 23803	8104 (1,357 / 31.5%)
Petersburg Food Mart	1500 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
bp	1932 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
Valero Food Mart	1740 Boydton Plank Rd, Petersburg, VA 23805	8105 (3,184 / 20.6%)
Salem & Son Inc	1908 Boydton Plank Rd, Petersburg, VA 23805	8105 (3,184 / 20.6%)
7-Eleven	701 S Crater Rd, Petersburg, VA 23803	8101 (2,716 / 33.8%)
7-Eleven	225 South Boulevard, Petersburg, VA 23805	8109 (3,433 / 18.2%)
MARKET PLACE #2	2706 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Wawa	3199 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Petersburg Marketplace	3825 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Miller Mart	1200 Courthouse Rd, Petersburg, VA 23803	8112 (4,121 / 24.8%)
Sheetz	151 Wagner Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)



Convenience Stores (C-Stores) are scattered throughout the City. Four of the 13 C-Stores are found in Tract 8112, which is notably the only truly non-Food Desert Tract, and the largest geographic Tract at 5.9 square miles. C-Stores are found in the most- and least impoverished Tracts in the City, and ten of the thirteen C-Stores are found along West and East Washington Streets, Boydton Road, and South Crater Road.

Provided below is a map with all of these locations together, with the appropriate Tracts indicating Food Deserts. Also provided is a map with these locations with a one-mile radius.





To summarize, there are ten Small Box Discount Stores in Petersburg. Four of them are located on South Crater Road, five are located in the north / northwestern portion of the City, with a single store in the far northeast portion of the City. These ten Discount Stores make up 24.39% of all of the previously discussed categories combined; C-Stores 31.7%, Small Box Retail 21.95%, Fresh Food Stores 41.63%, Supermarkets 07.32%. There are three times as many Discount Stores than there are Supermarkets. Slightly less than twice as much as many as Fresh

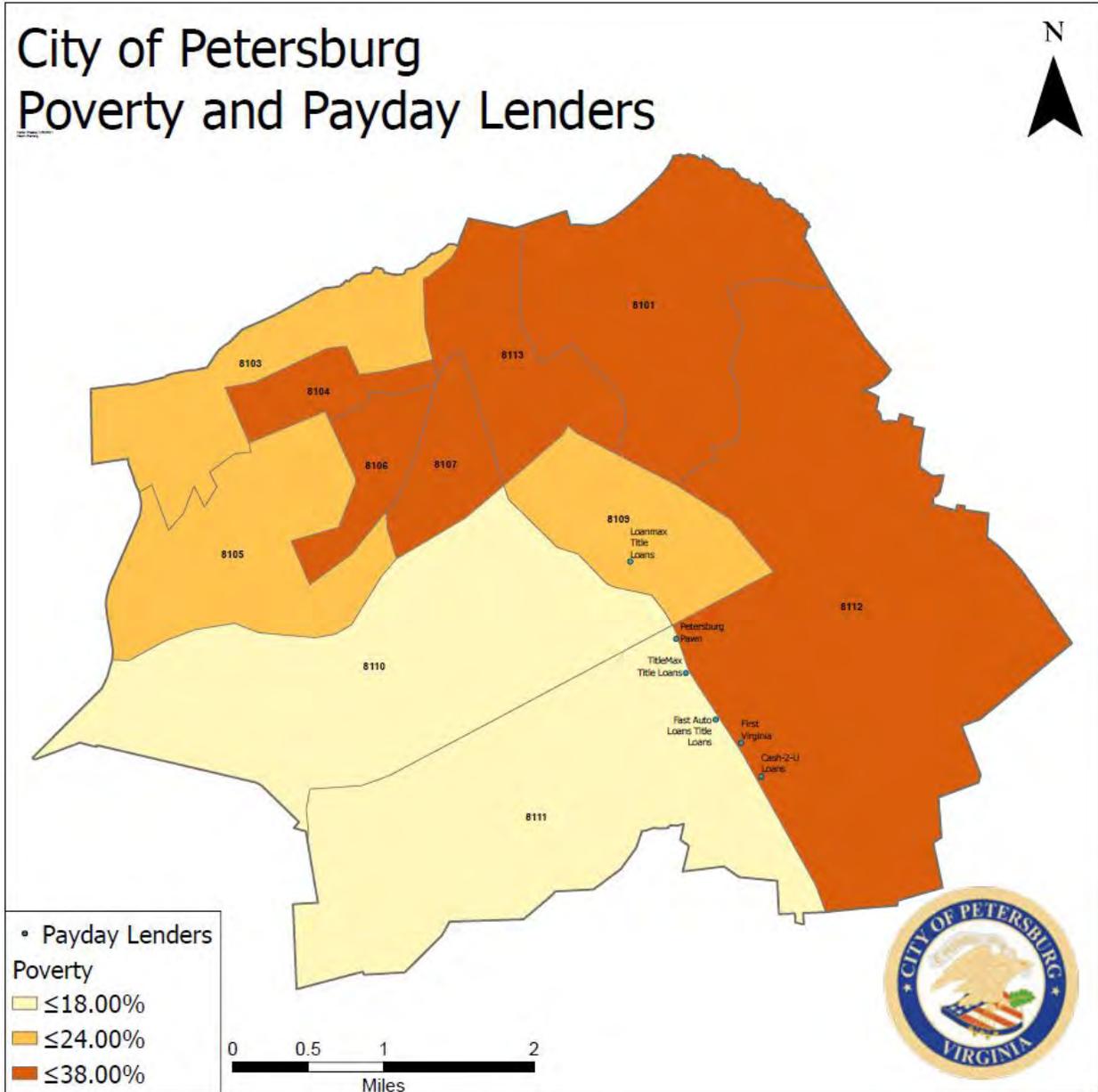
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Food Stores. One more Discount Store than Small Box Retail Stores. Three more Convenience Stores than Discount Stores.

Alternative Financial Institutions

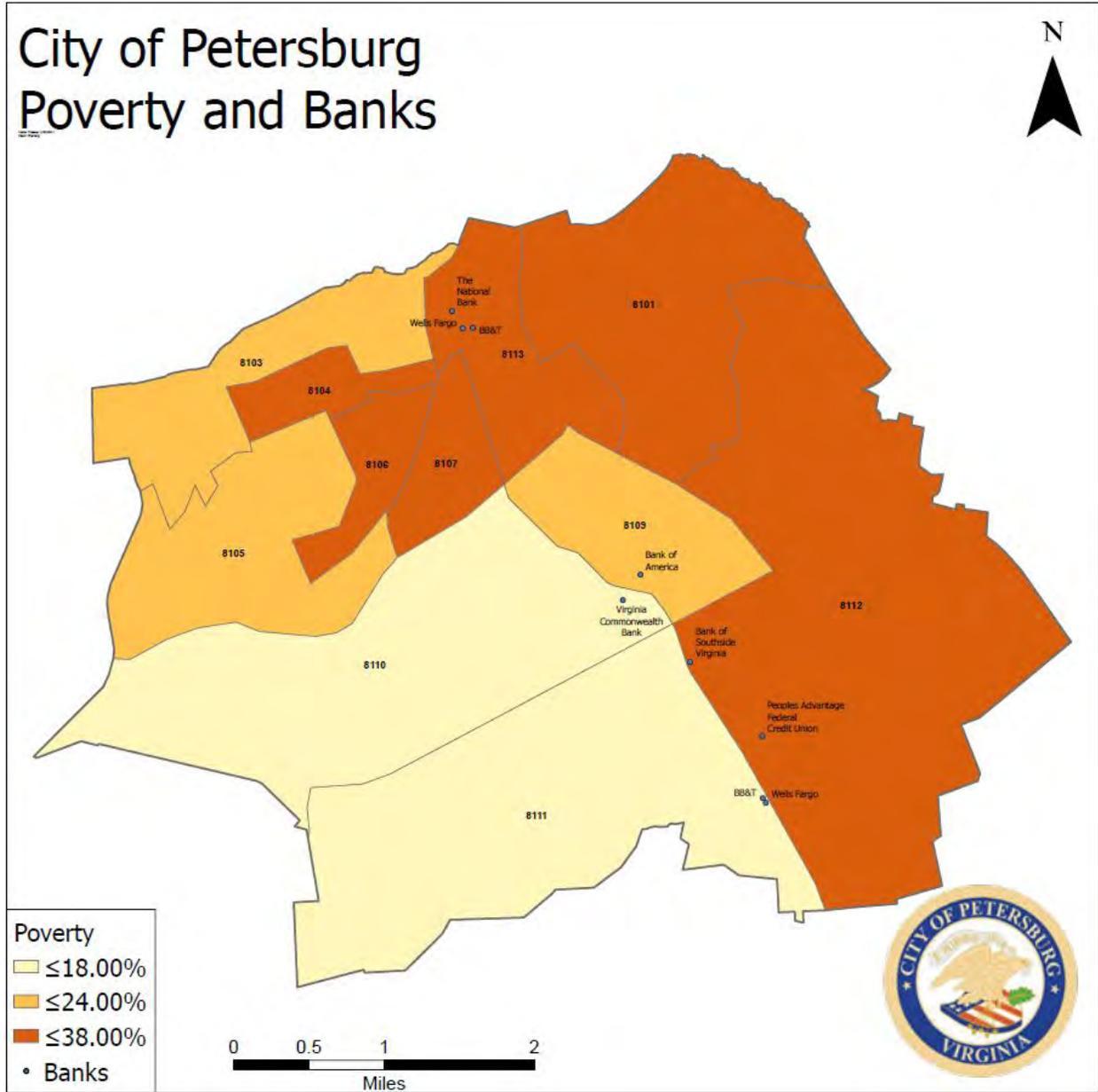
In Petersburg, the following table outlines where the currently existing Alternative Financial Institutions are located:

<b>Alternative Financial Institutions</b>		
<b>Name</b>	<b>Address</b>	<b>Census Tract (Population / Poverty %)</b>
Loanmax Title Loans	1883 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
TitleMax Title Loans	2716 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Fast Auto Loans Title Loans	3030 S Crater Rd, Petersburg, VA 23803	8111 (2,842 / 11.7%)
First Virginia	3219 S Crater Rd Ste C, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Cash-2-U Loans	3323 S Crater Rd unit c, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Petersburg pawn	2536 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)



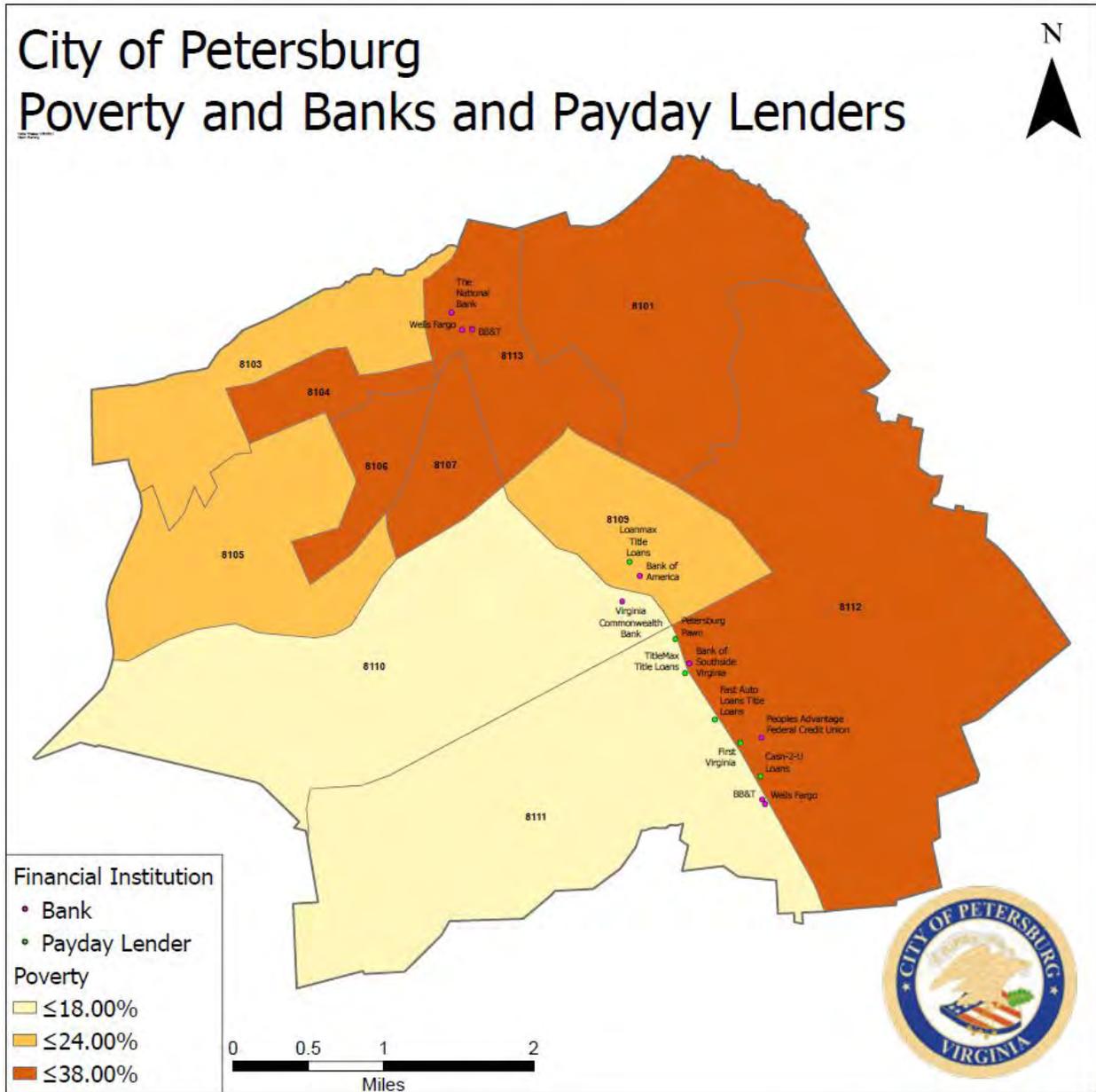
Of the Alternative Financial Institutions, two are found in a Tract that has an above average poverty rate, 8112 (24.8%). The rest are in Tracts 8109 (18.2%) and 8111 (11.7%), which are below the average poverty rate in Petersburg of 24.1%. Most notably, every single one of these businesses are located on South Crater Road.

<b>Banking Institutions + Credit Unions</b>		
<b>Name</b>	<b>Address</b>	<b>Census Tract (Population / Poverty %)</b>
Wells Fargo Bank	20 Franklin St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Wells Fargo Bank	3360 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
BB&T	117 E Washington St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
BB&T	3340 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
The National Bank	147 N Sycamore St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Virginia Commonwealth Bank	1965 Wakefield St, Petersburg, VA 23805	8110 (4,232 / 17.1%)
Bank of America	1963 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
The Bank of Southside Virginia	2703 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Peoples Advantage Federal Credit Union	110 Wagner Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)



The Banking Institutions in the City are found largely around the South Crater Road area, with the one Credit Union found on Wagner Road. Three banks are located in the northern portion of the City. Four of the nine businesses are in Tracts, 8109 (18.2%), 8110 (17.1%), 8111 (11.7%), below the average poverty rate of 24.1%. The other five are located in Tracts, 8112 (24.8%), 8113 (34.2%), which are above the average poverty rate in Petersburg.

Provided below is a map with all of these locations together:



To summarize, there are six Alternative Financial Institutions (AFI's) in Petersburg. Every single one is located on South Crater Road. Two-thirds of these stores, four, are in Tracts 8109 and 8111 below the average poverty rate in Petersburg. One-third, two, are in Tract 8112 which is above the average poverty rate. All of the AFI's are located on South Crater Road.

AFI's make up 40% of the previously discussed categories combined; Banks and Credit Unions make up 60%.

### **Summary and Implications**

From the analysis of the location of Small Box Discount Stores and Alternative Financial Institutions in Petersburg, we find that all of the Alternative Financial Institutions, and nearly half of the Small Box Discount Stores are located on South Crater Road. In their respective sections, the Tracts these stores are found in are not necessarily the poorest or most food insecure Tracts in the City. South Crater Road is a heavily trafficked road, with an Average Annual Daily Traffic rate of 12,000 vehicles. (Virginia Department of Transportation) South Crater Road is also the location of a Petersburg Area Transit bus route. Further analysis is recommended to understand why South Crater Road in particular is the location of many of these establishments, such as population density and available transit options.

One consideration regarding the Food Desert situation, is that the USDA definition defines Supermarket or large grocery store as a "food store with at least \$2 million in sales that contain all the major food departments of a traditional supermarket". As some, if not all of, the non-supermarket food stores in town may not meet this definition, they would not count towards Food Deserts in town. Further analysis is recommended of the revenue generated by the non-Supermarket Food Stores in town to understand if they meet the USDA definition, and what role these non-Supermarket Food Stores may play in combating Food Deserts and poor health outcomes. Please note that this revenue data from the Commissioner of the Revenue may not be available for public use, so an arrangement may need to be made between Council, Planning Commission, and the Economic Development Authority for usage of this data.

Another consideration is the two partial Food Desert Tracts, 8113 and 8109 in the City. While not full Food Deserts, this may be partially due to the IGA Supermarket located at 15 S Adams Street. However, the IGA Supermarket is now closed with a Dollar General taking its place. While a report survey conducted by a VCU Master of Urban & Planning Program in 2019 found that the IGA was “not frequented by many residents” (Ashby et al. page 15), its status as a Supermarket undoubtedly is a contribution to Tract 8113 not being a Food Desert as of the 2015 USDA Food Desert analysis. The proposed Dollar General is purported to have space for refrigeration units for fresh foods, monitoring of this will need to be conducted to verify this.

Regarding the proliferation of Small Box Discount Stores, also known as, Dollar Stores. Discount Stores such as Dollar General and Dollar Tree are rapidly expanding. From 2011 to 2018, these two companies had a total of nearly 30,000 locations; more than the total of Wal-Mart and McDonald’s combined. Dollar-type Stores accounted for nearly half of all U.S. retail store openings in a six-month period in 2019. In Petersburg, there are ten dollar-type stores by Dollar Tree (which owns Family Dollar as well) and Family Dollar.

A common criticism of dollar-type stores is their perceived predatory nature. Dollar-type stores are accused of contributing to poor economic and health outcomes that “displace full-service grocery stores, eliminate jobs, and undercut competition from other retailers and small businesses.” While dollar-type stores sell food, it is often highly processed foods, and do not sell healthy, fresh foods such as raw meats, fruit, and vegetables. For example, a community grocery store in Cleveland, Ohio claimed to struggle to be profitable, despite financial subsidies, due to the competition from dollar-type stores. One report indicates a “30% decline in sales for local grocery supermarkets after the introduction of a dollar store to an area.” Dollar-type stores specifically look to operate in local income neighborhoods with the CEO of Dollar General,

Todd Vasos, quoted in a 2017 Wall Street Journal article that “The economy is continuing to create more of our core customers.” (Sainato) Dollar-type stores are also not necessarily cheaper, selling staples in smaller portions for a dollar that when extrapolated to larger portions is more expensive, such as a dollar milk carton that equals to \$8 dollars a gallon. (Kelloway) Other articles describe the racial and income disparities that come with the expansion of dollar-type stores across both urban and rural America. (Siegel)

Across the U.S., cities have been pushing back against dollar-type stores. Cleveland, Ohio, previously mentioned, passed a temporary moratorium on new dollar-type stores in June 2020. (Castele) Tulsa (Siegel) and Oklahoma City, Oklahoma authorized six-month moratoriums on new dollar-type stores. Kansas City, Missouri and Mesquite, Texas also passed legislation regulating dollar-type stores. (Moon)

An alternative viewpoint is that prohibiting or overregulating dollar-type stores hurts more than it helps. Supermarket chains may not enter food deserts due to the lack of a profit incentive, which dollar-type stores with their smaller floor spaces and minimizing labor costs can afford to turn a profit. Prohibiting dollar-type stores without providing the infrastructure or incentives to ensure a grocery store takes its place leaves the consumer with no choice at all when it comes to grocery needs. (Blaine) For example, in 2011, major food retailers promised to open or expand 1,500 grocery and convenience stores in neighborhoods with no supermarkets by 2016. However, new “supermarkets” had built in only a “fraction of the neighborhoods where they’re needed most.” Excluding dollar-type stores and convenience stores from this total, this only amounted to roughly 250 new supermarkets in Food Deserts. For supermarkets to be successful in low-income neighborhoods, caution needs to be taken to ensure they meet the needs of the community and not adhere to a “rigid” corporate formula. (Associated Press)

Additional research should be conducted that examines Small Box Retail Stores (essentially convenience stores that do not provide for sale gasoline) and the role they play in contributing to poor health and wealth outcomes similarly to Small Box Discount Stores, aka dollar-type stores.

Regarding the presence of Alternative Financial Institutions, also known as, Payday and Title Lenders and Pawn Shops. Payday and Title Lenders business model is built around the quick cash with little prerequisites for approval. This business model lends itself well to the financial insecurity of many Americans. For example, according to a report by the Federal Reserve, 40 percent of households “would have some difficulty coming up with \$400 immediately.” and “60 percent of households would cover the \$400 expense by running a balance on their credit card, or borrowing from a friend or a family member, while the remaining 40 percent would have to see an asset, use a payday loan, or simply not pay the unexpected expense.” (Covas) Research on Payday and Title Lenders find that users of these services are disproportionately low income and African American or Hispanic, are located in low-income minority communities, with minorities paying a higher price on average for these services. Users are also likely not to understand the risks associated with these services, and the lenders often do not comply with laws and regulations. (Guedj)

An alternative perspective is that, similarly to the dollar-type stores, these Payday and Title Lenders provide financial lending services in a void that traditional banking institutions do not wish to fill due to the lack of a profit margin. Traditional banks may also require cash deposits to open and maintain an account that low-income families cannot meet. There are also racial factors, such as referenced in Dr. Guedj’s report, that minorities face price discrimination in traditional banking and mortgage lending. (Guedj page 1) While interest rates or payback

amounts may seem excessive, it is argued that this is to cover the short-term, high-risk nature of providing cash loans to low-income individuals who do not possess the same assets as higher income individuals to underwrite loans. Over-regulation of this industry may make the Payday and Title Lender business model unprofitable, driving out an option for low-income individuals and households that is not necessarily to be replaced by traditional banking services. Dr. Robert DeYoung of the University of Kansas likens payday loans to car rentals:

“Borrowing money is like renting money. You get to use it two weeks and then you pay it back. You could rent a car for two weeks, right? You get to use that car. Well, if you calculate the annual percentage rate on that car rental — meaning that if you divide the amount you pay on that car by the value of that automobile — you get similarly high rates. So this isn’t about interest. This is about short-term use of a product that’s been lent to you. This is just arithmetic.”

Dr. Thomas Sowell, formerly a Senior Fellow on Public Policy at the Hoover Institution at Stanford University, takes a similar viewpoint in his article “Payday Loans”.

Currently in the Petersburg Zoning Ordinances, there are no definitions or classifications of any kind regarding any of the establishments in the previous sections that defined Small Box Discount Stores, Small Box Retail Stores, Fresh Food Stores, Supermarkets, Alternative Financial Institutions, Banking Institutions, or Credit Unions. There is a tentative definition for Convenience Stores currently as “Automobile service station”. (“Zoning Ordinance”) The lack of definitions of these stores makes it difficult to regulate and take action on these types of stores.

### **Proposed Action**

The following action items are proposed:

Update the Zoning Ordinance to define the types of stores defined in this report.

Regarding Small Box Discount Stores, authorize a special use permit that regulates the creation of new stores. This special use permit should include elements that prevent the creation of new stores in a certain mile radius of pre-existing stores, require the dedication of floor space to the sale of fresh foods consistent with USDA recommendations, and require approval of the City Council. For example, Fort Worth, Texas passed an amendment to their zoning regulations that require Small Box Discount Stores to be separated by two miles from a pre-existing store, and offer fresh produce, meat, and dairy products amount to at least 10 percent of the floor area. (Gubbins) Small Box Discount Stores should also be prohibited from the sale of alcohol beverages and lottery items. The creation of an incentive package for attracting Fresh Food Stores and Supermarkets should also be considered. This can include financial tax incentives; for example, New York City has an initiative called ‘Food Retail Expansion to Support Health’ (FRESH) aimed at bringing qualified fresh food stores to NYC. Among some of the tax incentives they provide include stabilizing pre-improvement real estate taxes for up to 25 years, land tax abatements for up to 25 years, and sales tax exemption on materials used to construct or renovate the facility. (“Food Retail Expansion to Support Health (FRESH)”) Additional non-financial incentive ideas include minimal parking requirements or exemptions for Fresh Food Stores and Supermarkets, rezoning, and the disposition of City-owned commercial real estate to stores that meet the required criteria.

A special use permit should be created regulating Alternative Financial Institutions as well. This special use permit should include a distance prohibition requirement, approval by

Council, and compliance with the Virginia Fairness in Lending Act of 2020. A moratorium on the creation of new Alternative Financial Institutions should be considered as well.

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**AN ORDINANCE AMENDING THE PETERSBURG ZONING ORDINANCE TO ADDRESS SMALL BOX DISCOUNT STORES AND ALTERNATIVE FINANCIAL INSTITUTIONS**

**WHEREAS**, City Council may initiate amendments to the Zoning Ordinance in accordance with Article 28 of the Petersburg Zoning Ordinance; and

**WHEREAS**, a 2019 report from the Urban and Regional Studies Planning Division of Virginia Commonwealth University indicates that “the City of Petersburg, Virginia has long suffered with issues of limited access to food and food insecurity” which resulted in the City being ranked last of Virginia’s 133 cities in counties in the Robert Wood Johnson Foundation annual health rankings; and

**WHEREAS**, this report indicates that “small box discount stores” (convenience and dollar stores) make up 67 percent of the food retailers in Petersburg;

**WHEREAS**, the report indicates that small box discount stores are most commonly recognized for providing food of low nutritional value in low wealth communities; and

**WHEREAS**, the City believes that the concentration of these stores has and continues to negatively impact the health, safety, and welfare of our citizens and subsequent low health rankings; and

**WHEREAS**, payday and title loan companies (“alternative financial institutions”) provide short-term high interest loans to individuals and tend to be concentrated in areas with disproportionately low income and disproportionately minority populations; and

**WHEREAS**, studies such as the May 14, 2019 study by S. Ilan Guedj, PhD of Bates White Economic Consulting conclude that the use of alternative financial institutions has a tendency to perpetuate debt and poverty by creating a dependency by borrowers upon such loans; and

**WHEREAS**, said report indicates that in addition to prolonged indebtedness, the use of alternative financial institutions can increase financial delinquency and borrower delinquency, and exacerbate instances of default by borrowers; and

**WHEREAS**, City Council believes that the City of Petersburg has a disproportionately high number of alternative financial institutions located within the City limits; and

**WHEREAS**, the City’s Zoning Ordinance currently does not contain a definition for or otherwise regulate “small box discount stores” or “alternative financial institutions” as proposed in the attached (**Exhibit A**) and

**WHEREAS**, City Council believes that requiring a Special Use Permit for the location of any new small box discount stores or alternative financial institution would be of benefit to the City of Petersburg.

**WHEREAS**, the Petersburg Planning Commission is scheduled to consider the matter and provide a recommendation to the City Council.

**WHEREAS**, the City Council will conduct a Public Hearing prior to considering the ordinance.

**NOW THEREFORE BE IT ORDAINED** that City Council does hereby approve a Zoning Ordinance Text Amendment consistent with the attached (**Exhibit A**) initiated by the Planning Director and/or Zoning Administrator through the Planning Commission.

**Exhibit A**

**ARTICLE 3 SECTION 1 OF THE PETERSBURG ZONING ORDINANCE  
“DEFINITIONS” IS HEREBY AMENDED AND RE-ADOPTED TO INCLUDE:**

*small box discount store.* Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

*alternative financial institution.* Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

\*In each district where the use meeting the definition of “small box discount store” or “alternative financial institution” as described above is permitted by right, upon adoption of this Ordinance shall be amended to require a Special Use Permit.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **First Reading and to Schedule a Public Hearing to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Tire Sale and Service Uses Within the City - Pages 166-185**

**PURPOSE:** At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate tire sale and service uses within the City due to concerns raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

**REASON:** To address concerns raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

**RECOMMENDATION:** Planning Commission and staff recommend approval.

**BACKGROUND:** At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate tire sale and service uses within the City. There are a number of existing tire shops throughout the city. Repeatedly, concerns have been raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

Currently, tire sales and service, including vulcanizing, is a by-right use in the B-2, General Commercial, B-3 Central Commercial, M-1 Light Industrial, and M-2 Heavy Industrial Zoning Districts. Operations involving shredding, cutting, and processing of discarded tires or storage or sale of used tires are allowed in the M-1 and M-2 Districts, but require a special use permit if more than 200 tires are located on the site. These rules apply even if the tire sales and services are not the primary use of the property, meaning car dealerships or large-scale retailers that include tire operations could be subject to a special use permit.

Planning Commission recommends the following changes:

- Sale and service of **new** tires would be allowed in the B-2, General Commercial and B-3, Central Commercial Districts. Sales and service of used tires would be limited to the City's industrially-zoned districts.

- A special use permit would be required for **used** tire sale and service uses, including operations involving shredding, cutting, or processing of discarded tires in the M-1, Light Industrial and M-2, Heavy Industrial Districts. The special use permit would be required regardless of the number of used tires stored on the site.

Should this language be adopted, existing tire shops legally permitted would retain a “legal non-conforming” status and be allowed to continue in accordance with Article 24, “Nonconforming Uses” of the Zoning Ordinance.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 24-ZTA-11 Tire Shops Memo
2. Tire Shops Presentation
3. Ordinance
4. Exhibit A - Tracked Changes



# City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

## MEMORANDUM

**DATE:** December 2024  
**TO:** City Council  
**FROM:** Planning Commission  
**RE:** 2024-ZTA-11: To amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of tire sale and service uses within the city.

### EXECUTIVE SUMMARY:

At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate tire sale and service uses within the City. Staff drafted two text amendment proposals for the Planning Commission to consider; the first option would require a Special Use Permit for all tire sale and services uses in the City and the second option would require a Special Use Permit for used tire sales and services. Planning Commission supported the second option focused on regulating used tire sales and services.

### CHRONOLOGY OF EVENTS:

1. October 1, 2024 – City Council voted to direct staff to initiate a zoning ordinance text amendment to regulate tire shops within the City.
2. November 7, 2024 – Planning Commission heard two options related to tire shop regulations and supported the regulations of used tire sales and services.

### BACKGROUND:

There are a number of existing tire shops throughout the city. Repeatedly, concerns have been raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

Currently, tire sales and service, including vulcanizing, is a by-right use in the B-2, General Commercial, B-3 Central Commercial, M-1 Light Industrial, and M-2 Heavy Industrial Zoning Districts. Operations involving shredding, cutting, and processing of discarded tires or storage or

sale of used tires are allowed in the M-1 and M-2 Districts, but require a special use permit if more than 200 tires are located on the site. These rules apply even if the tire sales and services are not the primary use of the property, meaning car dealerships or large-scale retailers that include tire operations could be subject to a special use permit.

**Proposed Changes:**

Planning Commission recommends the following changes:

- Sale and service of **new** tires would be allowed in the B-2, General Commercial and B-3, Central Commercial Districts. Sales and service of used tires would be limited to the City's industrially-zoned districts.
- A special use permit would be required for **used** tire sale and service uses, including operations involving shredding, cutting, or processing of discarded tires in the M-1, Light Industrial and M-2, Heavy Industrial Districts. The special use permit would be required regardless of the number of used tires stored on the site.

Should this language be adopted, existing tire shops legally permitted would retain a "legal non-conforming" status and be allowed to continue in accordance with Article 24, "Nonconforming Uses" of the Zoning Ordinance.

**COMPREHENSIVE PLAN CONSIDERATIONS:**

Further regulation of these uses appears to be generally supported by the PetersburgNEXT Comprehensive Plan.

The plan does not speak specifically to tire sale and service uses but does emphasize aesthetics and the importance of visually-appealing streetscapes, particularly in areas designated as Community Mixed-Use or Corridor Commercial on the Future Land Use Map. Automotive uses are not listed as desired primary land uses in these two designations which comprise many properties zoned B-2 and B-3 in the City.

The Comprehensive Plan also encourages mitigation of visual impacts from certain uses through site design standards. New design standards to this effect will likely be adopted throughout the Zoning Ordinance rewrite, but they do not currently exist in the Ordinance. Until such standards are adopted, Special Use Permits can be utilized to make sure appropriate conditions are placed on impactful uses to mitigate any negative effects on neighboring properties or the general welfare.

**RECOMMENDATION:** Staff and Planning Commission recommend approval.

CITY COUNCIL  
MEETING

DECEMBER  
2024

# 2024-ZTA-11:

To amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of tire sale and service uses within the city.

# Background

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- Council directed staff to regulate tire establishments within the city.
- Number of existing tire sale and service uses throughout the City's commercial and industrial districts; many of these deal with used/discarded tires
- Concerns over aesthetic impacts of service work and storage of tires.

# Background

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- Tire sales and services, including vulcanizing is currently by-right use in B-2, B-3, M-1, and M-2 Districts.
- Operations involving shredding, cutting, processing, or sales of discarded/used tires allowed in M-1 and M-2 Districts; Special Use Permit required for storing over 200 tires.

# Proposal

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- Sale and service of **NEW** tires would be allowed in the B-2 and B-3 District; vulcanizing would be excluded, and sale and service of **USED** tires would be limited to the M-1 and M-2 Districts.
- Within the Industrial Districts, a special use permit would be required for **USED** tire sale and service uses, including operations involving shredding, cutting, or processing of discarded tires. The Special Use Permit would be required regardless of the number tires stored

# Comprehensive Plan Considerations

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- Visually appealing streetscapes are important, particularly in areas designated as Community Mixed-Use or Corridor Commercial; automotive uses are not appropriate primary uses in these areas
- Negative aesthetic impacts should be mitigated where possible

# Staff Considerations

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- Thorough design standards will likely be introduced through Zoning Ordinance rewrite; until then, Special Use Permits can be used to ensure mitigation of negative impacts.
- Proposed language allows for additional oversight on used car shops, which have been the source of most complaints while allowing sale and service of new tires to remain a permitted use in the commercial districts.
- Proposed language would avoid unintended consequences for larger retail uses which may include tire sale and service as an accessory use.

# Recommendation

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- Staff recommends approval.
- Planning Commission recommends approval.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting the Zoning Ordinance of the City of Petersburg pertaining to the regulation of tire sale and service uses within the city.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

**AN ORDINANCE AMENDING AND READOPTING ARTICLE 15. – B-2 GENERAL COMMERCIAL DISTRICT REGULATIONS AND ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO USED TIRE SALE AND SERVICE USES**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 15.- B-2 General Commercial District Regulations and Article 23 – Supplementary Use Regulations – Special Uses, which address land uses in the City and regulation of such uses; and

WHEREAS, tire sale and services uses are currently allowed by-right in the B-2, General Commercial, B-3, Central Commercial, M-1, Light Industrial and M-2, Heavy Industrial Zoning Districts; and

WHEREAS, operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires are currently allowed in M-1, Light Industrial and M-2, Heavy Industrial Zoning Districts except for operations which store more than 200 tires, which require an approved Special Use Permit; and

WHEREAS, there are concerns over the aesthetic impacts of existing used tire shops in the city and the effect of those uses on the general welfare; and

WHEREAS, City Council directed staff to initiate an amendment to the Zoning Ordinance to further regulate tire sale and service uses; and

WHEREAS, the City Council supports prohibiting used tire sale and service uses in the B-2, General Commercial and B-3, Central Commercial Districts and requiring an approved Special Use Permit operations involving the storage, distribution, or sale of used or discarded tires in the M-1 Light Industrial and M-2, Heavy Industrial Districts; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that the City Council does hereby approve an ordinance amending and readopting Article 15. – B-2 General Commercial District Regulations and Article 23.- Supplementary Use Regulations – Special Uses as set forth in the Zoning Ordinance as indicated in Exhibit A.

ARTICLE 15. "B-2" GENERAL COMMERCIAL DISTRICT REGULATIONS

**Section 1. [Purpose.]**

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "B-2" General Commercial District. The purpose of this district is to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing.

**Section 2. Use regulations.**

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "B-1" Shopping Center District and the "R-3" Two-Family Residence District;
- (2) Amusement place in an enclosed building, auditorium or theater, except open air drive-in theaters;
- (3) Athletic field or baseball field;
- (4) Bottling works; dyeing and cleaning works or laundry; plumbing and heating shop; painting shop; upholstering shop, not involving furniture manufacture; tin smithing shop; new tire sales and service, including vulcanizing, but no manufacturing; appliance repairs; and general service and repair establishments similar in character to those listed in this item; provided, that no outside storage of material is permitted; and further provided, that no use permitted in this item shall occupy more than 6,000 square feet of floor area;
- (5) Bowling alleys and billiard parlors;
- (6) Food storage lockers;
- (7) Hotels, motels, and motor hotels containing 45 or more units only;
- (8) Outdoor advertising structure or sign. Any sign or display in excess of 100 square feet in area shall be attached flat against a wall of a building.
- (9) Bus terminals;
- (10) Printing, publishing, and engraving;
- (11) Stone yard or monumental works located within three hundred (300) feet of a cemetery;
- (12) Accessory buildings and uses;
- (13) Family day care home;
- (14) Child care center;
- (15) Private nursery school;
- (16) Adult book store, provided that the property devoted to such use shall not be situated within 500 feet of property in a residential district, nor within 500 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater or adult video store;

- (17) Adult entertainment establishment, provided that the property devoted to such use shall not be situated within 500 feet of any property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (18) Adult motion picture theater, provided that; the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (19) Adult video store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate, or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (20) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling District with the issuance of a Special Use Permit.

Notwithstanding any other provisions of the Petersburg Zoning Ordinance, a building or premises may be used for an adult bookstore, and adult entertainment establishment, and adult motion picture theater, or an adult video store, as restricted and limited by this section, only in the "B-2" General Commercial District with the issuance of a Special Use Permit and in no other zoning district established by the Petersburg Zoning Ordinance.

### **Section 3. Height, area and bulk regulations.**

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition, the following regulations shall apply:

- (1) There shall be a side yard not less than five (5) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district. Existing alley at rear will eliminate this requirement;
- (3) The lot area requirements for dwellings are the same as those in the "R-5" Multiple Dwelling District.

### **Section 4. Reference to additional regulations.**

The regulations contained to this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following: Article 19, Off-street parking regulations; Article 20, Off-street loading regulations; Article 23, Supplementary use regulations; Article 25, Supplementary height, area and bulk regulations.

## **ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES**

### **Section 1. [Procedure for obtaining special use permit.]**

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

### **Section 2. [Qualification of nonconforming use as special use.]**

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

### **Section 3. [Additions or alterations to special uses.]**

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

### **Section 4. Special uses enumerated.**

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;

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- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
  - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
  - (b) One-half (½) off-street parking space per sleeping room;
  - (c) Resident-manager on premises;
  - (d) Permitted sign area not to exceed two (2) square feet;
  - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires ~~if more than two hundred (200) such tires are located on site~~, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.

- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
  - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
  - b. No exterior alterations to the residence;
  - c. Not transferable;
  - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
  - e. No more than two (2) employees;
  - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
  - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.

**Section 4.1. Special use permits for communication towers; criteria and procedures.**

- (1) *Definitions.*

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- a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
  - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
  - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.
- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
- a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
  - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
  - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
  - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.

- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

#### **Section 5. [Restrictions upon accessory buildings, cellars and basements.]**

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:**

**FROM:** March Altman, Jr.

**RE:** **First Reading and to Schedule a Public Hearing for the Consideration of an Ordinance to Amend and Reenact Section 86-31, Limitation on the Number of Pawn Shops, Article II - Pawnbrokers, and of Chapter 86, Secondhand Goods of the Petersburg City Code - Pages 186-187**

**PURPOSE:** Amend City Code to reduce the number of pawn shops allowed.

**REASON:**

**RECOMMENDATION:**

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 2024-XX - Sec. 86-31 Limitation on Number of Pawnshops - 100324

**ORDINANCE 2024-XX**

**An Ordinance amending and reenacting Section 86-31, Limitation on the number of pawnshops, of Article II, Pawnbrokers, of Chapter 86, Secondhand Goods, of the Code of the City of Petersburg.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG** that Section 86-31, Limitation on the number of pawnshops, of Division 1, Generally, of Article II, Pawnbrokers, of Chapter 86, Secondhand Goods, of the Code of the City of Petersburg is amended and reenacted as follows:

**CHAPTER 86 – SECONDHAND GOODS**

**ARTICLE II. PAWNBROKERS**

**DIVISION 1. GENERALLY**

**Sec. 86-31. Limitation on the number of pawnshops.**

Not more than ~~five~~ two (2) pawnshops may be operated at any one time within the territorial limits of the city.

(Code 1981, § 23-3)

State law reference(s)—Authority for above section, Code of Virginia, § 54.1-4002.

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In all other respects said Code of the City of Petersburg shall remain unchanged and be in full force and effect.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Joanne Williams

**RE:** **First Reading and Schedule a Public Hearing for Consideration of an Appropriation/Grant from the VA Department of Housing and Community Development (DHCD)/Main Street Program - Pages 188-191**

**PURPOSE:** A Public Hearing for Consideration for Grant Funding Awarded to the City of Petersburg to Support City and Main Street Petersburg Initiatives.

**REASON:** A Public Hearing for Consideration for Grant Funding Awarded to the City of Petersburg to Support City and Main Street Petersburg Initiatives.

**RECOMMENDATION:** Approve.

**BACKGROUND:** The City of Petersburg applied for a grant from funding designated by the General Assembly to the DHCD Main Street Program (grant title: *FY2025 CRATER PLANNING DISTRICT GRANT*). The City was award a grant in the amount of \$435,500. Grant funds were approved by DHCD to be used for the following through Main Street Petersburg:

- Develop a Citywide Wayfinding Plan
- Façade Assessments and Renderings Program
- Wayfinding and Landscaping Implementation
- Main Street Petersburg Consultant

**COST TO CITY:** \$54,438 match funding and \$100,000 in-kind City Staff time (Tourism, Planning, Public Works).

**BUDGETED ITEM:** State Grant Funding

**REVENUE TO CITY:** Increase in visitation and tourist spending at lodging, dining and retail venues. Improved streetscapes and signage for residents, businesses and tourists.

**CITY COUNCIL HEARING DATE:** 12/17/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:** Tourism, Planning, Public Works

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. GRANT AWARD LETTER C of P FY25 VMS CDPG Award Letter
2. JHW revised Resolution Supporting Main Street Petersburg



Glenn Youngkin  
Governor

Caren Merrick  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Bryan W. Horn  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

September 24, 2024

March Altman  
City Manager  
City of Petersburg

Re: FY2025 CRATER PLANNING DISTRICT GRANT (CPDG)

Dear Mr. Altman:

It gives me great pleasure to inform you that the City of Petersburg has been awarded a FY2025 Crater Planning District Grant in the amount of \$435,500.

The Memorandum of Understanding (MOU) between the City of Petersburg and the Department of Housing and Community Development (DHCD) outlining the requirements of this grant is forthcoming. You will be contacted by Rebecca Rowe, Associate Director, to schedule a project onboarding meeting after the MOU has been executed electronically via DocuSign.

DHCD is committed to the success of the City of Petersburg and the Main Street district, and staff works with each grantee to maintain deadlines and programmatic compliance. The project must be completed within 12 months of the MOU execution date. Should any problem arise which prevents completion by this date, a written report must be provided to DHCD explaining why the deadline was not met.

We look forward to working with you on Project Revitalization 2024.

Sincerely,

Sara J. Dunnigan  
Deputy Director

C: Rebecca Rowe, DHCD  
Courtney Mailey, DHCD  
Kyle Meyer, DHCD



Resolution Supporting Main Street Petersburg

WHEREAS, the CITY OF PETERSBURG supports the revitalization and economic re-development of its historic commercial district, and

WHEREAS, the CITY OF PETERSBURG views an economically healthy downtown as one of its important assets and realizes that a sustainable town center economy contributes to the community's economic health, and

WHEREAS, THE CITY OF PETERSBURG recognizes its downtown traditional commercial core as representing the history and culture of its community and contributes to the City's tax base, and

WHEREAS, the CITY wishes to support a livable, walkable downtown with opportunities to shop, work, live, and discover recreational, entertainment, cultural, and heritage opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE PETERSBURG CITY COUNCIL:

1. The City of Petersburg agrees to work collaboratively with the National and Virginia Main Street program, in partnership with Main Street Petersburg, to create a thriving downtown economic development program through strategies established by the Main Street Center's Main Street Approach.
2. The City of Petersburg agrees to support Main Street in collaboration with the City to achieve economic growth goals.

ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_ 2024.

ATTEST:

Tangi Hill  
Clerk of Council  
City of Petersburg, Virginia



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** Wayne Crocker - Petersburg Public Library

**RE:** **A Public Hearing for Consideration of an Appropriation Ordinance for State Aid to Public Libraries Additional Funding - Pages 192-195**

**PURPOSE:** A Public Hearing for Consideration of an Appropriation Ordinance for State Aid to Public Libraries Additional Funding

**REASON:** A Public Hearing for Consideration of an Appropriation Ordinance for State Aid to Public Libraries Additional Funding

**RECOMMENDATION:** Approve the supplemental appropriation ordinance.

**BACKGROUND:** State Aid to Public Libraries is a formula-based grant that encourages the formation of library systems at the regional, county and city level. The Petersburg Public Library has received notification from the Library of Virginia that its State Aid to Public Libraries appropriation is \$244,567 for FY25. This is \$16,939 more than anticipated in the City’s FY25 budget which takes into consideration \$227,628 for State Aid to Public Libraries. The additional funds will be used for eligible State Aid expenditures to include the purchase of books, magazines, e-books, newspapers and other library materials necessary to enhance the Library collection offerings to the patrons of the Petersburg Public Library.

**COST TO CITY:** \$16,939

**BUDGETED ITEM:** State Aid

**REVENUE TO CITY:** \$16,939

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:** Petersburg Public Library

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. Ordinance - FY25 Additional Library State Aid
2. State Aid Award Letter - FY2025 Petersburg 072424

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE STATE AID FOR PUBLIC LIBRARIES FOR PETERSBURG**

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BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the General Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

<b>Previously adopted Revenues</b>	<b>\$227,628</b>
<b>ADD:</b>	
Additional State Aid	\$16,939
<b>Total Revenue</b>	<b>\$244,567</b>

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

<b>Previously adopted Expenditures</b>	<b>\$227,628</b>
<b>ADD:</b>	
Books & Subscriptions (4-100-073100-6012)	\$16,939
<b>Total Expense</b>	<b>\$244,567</b>



# LIBRARY OF VIRGINIA

**Dennis T. Clark**  
Librarian of Virginia

July 24, 2024

To: Public Library Directors

From: Paranita S. Carpenter  
(804) 692-3993  
[paranita.carpenter@lva.virginia.gov](mailto:paranita.carpenter@lva.virginia.gov)

Subj: FY2025 State Aid

Attached is a copy of your approved *Application for State Aid Grant* for the Petersburg Public Library in the amount of \$244,567.00.

Please communicate receipt of this grant and its importance to local library services to the appropriate governing bodies, individuals, organizations, and media in your area.

You will receive four (4) quarterly payments in the amount of \$61,141.75 from the Department of Accounts according to the following schedule:

Month of Payment	EDI Deposit to Locality*	Deadline for Checks to Arrive at Locality**
July 2024	July 12, 2024	July 19, 2024
October 2024	October 10, 2024	October 17, 2024
January 2025	January 13, 2025	January 20, 2025
April 2025	April 10, 2025	April 17, 2025

\*EDI (Electronic Data Interchange) deposits to designated bank accounts.

\*\*Paper checks (non-EDI) should be received.

The *Instructions for Expenditure of State Aid Grants* are available on the Infocenter at this address: <https://vpl.lib.va.us/grants/state-aid/#rr>. If you have any questions, please contact Kim Armentrout at (804) 692-3601 or [kim.armentrout@lva.virginia.gov](mailto:kim.armentrout@lva.virginia.gov).

If you do not receive your quarterly payment by the scheduled date(s), please contact me immediately.

800 East Broad Street  
Richmond, Virginia 23219

[www.lva.virginia.gov](http://www.lva.virginia.gov)

804.692.3500 *phone*  
804.692.3976 *ity*



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** Captain L. Mann - Petersburg Bureau of Police

**RE:** **A Public Hearing for Consideration of Acceptance & Appropriation of Funding from the Virginia Department of Criminal Justice Services for the 2024 Operation Ceasefire Grant - Pages 196-200**

**PURPOSE:** A Public Hearing for Consideration of Acceptance & Appropriation of Funding from the Virginia Department of Criminal Justice Services for the 2024 Operation Ceasefire Grant

**REASON:** The Petersburg Bureau of Police was awarded \$158,595 for the Operation Cease Fire Grant Initiative, allowing funding for Analyst Personnel and Equipment.

**RECOMMENDATION:** Accept grant & appropriate funds

**BACKGROUND:** The Operation Ceasefire Grant Program (OCGP) from the Virginia Department of Criminal Justice Services (DCJS) is to support the implementation of strategies that will result in reducing violent crime within the Commonwealth while implementing effective and sustainable solutions to intercept and eliminate local cycles of violence.

**COST TO CITY:** \$158,595

**BUDGETED ITEM:** Grant

**REVENUE TO CITY:** \$158,595

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:** Petersburg Bureau of Police

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. Grant Ordinance - FY25 Operation Ceasefire Grant Program
2. FY25 Cease Fire SOGA Signed

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND**

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BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

**Previously adopted Revenues** **\$0.00**

**ADD:**

528913–FY25 Operation Ceasefire Grant Program (Spring)

**Total Revenue** **\$158,595**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

**Previously adopted Expenditures** **\$0.00**

**ADD:**

528913–FY25 Operation Ceasefire Grant Program (Spring)

**Total Expense** **\$158,595**



# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

The Honorable Jackson H. Miller  
Director

Tracy Louise Winn Banks, Esq.  
Chief Deputy Director

Washington Building  
1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

June 24, 2024

March Altman  
City Manager  
144 North Sycamore Street  
Petersburg, Virginia 23803

RE: 528913-FY25 Operation Ceasefire Grant Program (Spring)

Dear March Altman:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **530052** and was approved for a total award of **\$158,595**, funded through Award Number **2024-OCGF-GRANT**. The project period is **7/1/2024** through **6/30/2026**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>. Additionally, if you cannot access your grant in OGMS, your application may be under negotiation. Please check your email and/or spam for OGMS correspondence and follow up with your DCJS Grant Monitor.

If you have not previously done so, you must register to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to [grantsmgmt@dcjs.virginia.gov](mailto:grantsmgmt@dcjs.virginia.gov). If you have questions, contact your DCJS Grant Monitor **Jennifer Quitiquit** at (804) 363-6027 or via email at [jennifer.quitiquit@dcjs.virginia.gov](mailto:jennifer.quitiquit@dcjs.virginia.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jackson Miller'.

Jackson Miller

**STATEMENT OF GRANT AWARD (SOGA)**

Virginia Department of Criminal Justice Services  
 1100 Bank Street, 12<sup>th</sup> Floor  
 Richmond, Virginia 23219

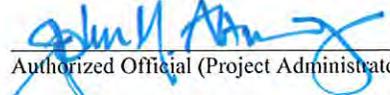
<b>528913-FY25 Operation Ceasefire Grant Program (Spring)</b>
---

Subgrantee:	Petersburg
DCJS Grant Number:	530052
Grant Start Date:	7/1/2024
Grant End Date:	6/30/2026
Indirect Cost Rate: _____ %	*If applicable

Federal Funds:	
State Funds:	<b>\$158,595</b>
Local Match:	_____
Total Budget:	<b>\$158,595</b>

Project Director	Project Administrator	Finance Officer
March Altman City Manager 144 N Sycamore Street Petersburg, Virginia 23803 804-732-4222 maltman@petersburg-va.org	March Altman City Manager 144 North Sycamore Street Petersburg, Virginia 23803 804-732-4222 maltman@petersburg-va.org	Leon Glaster CFO 144 North Sycamore Street Petersburg, Virginia 23803 704-733-2331 lglaster@petersburg-va.org

**\*Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature:   
 Authorized Official (Project Administrator)

Title: City Manager

Date: 7.25.24



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** Marquis Allen - Recreation, Leisure Services & Volunteerism

**RE:** **A Public Hearing for Consideration of Acceptance & Appropriation of the FY25 Cameron Foundation Grant for the Recreation & Leisure Department - Pages 201-204**

**PURPOSE:** A Public Hearing for Consideration of Acceptance & Appropriation of the FY25 Cameron Foundation Grant for the Recreation & Leisure Department

**REASON:** A Public Hearing for Consideration of Acceptance & Appropriation of the FY25 Cameron Foundation Grant for the Recreation & Leisure Department

**RECOMMENDATION:**

**BACKGROUND:** The Petersburg Department of Recreation, Leisure Services, & Volunteerism has a contingent grant agreement from the Cameron Foundation, provided the City provides funding in the amount of \$436,696. The Cameron Foundation will grant up to \$150,000.

**COST TO CITY:** \$436,696

**BUDGETED ITEM:** Grant

**REVENUE TO CITY:** Up to \$150,000

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:** Recreation, Leisure Services & Volunteerism

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. City of Petersburg - Cameron Foundation Award Letter



*Strategically leveraging resources for a healthy, vibrant and economically vital region*

October 25, 2024

Mr. Marquis Allen, Director  
City of Petersburg Department of Recreation, Special Events & Volunteerism  
1937 Johnson Road  
Petersburg, VA 23805

Dear Mr. Allen:

I am pleased to inform you that at a meeting on October 16, 2024, the Board of Directors of The Cameron Foundation approved a proactive grant of up to \$150,000 to the City of Petersburg Department of Recreation, Special Events & Volunteerism.

**This is a contingent proactive grant of up to \$150,000 to the City of Petersburg Department of Recreation, Special Events & Volunteerism in support of Phase I of the Legends Park Renovation Project. In making this grant, the Foundation is not obligated to make a future grant for this or any other purpose.**

This grant has been approved with the understanding, based upon your representations, that City of Petersburg Department of Recreation, Special Events & Volunteerism is exempt from federal income tax under Section 501(c)(3) OR Section 170(c)(1) of the Internal Revenue Code. (Note: a 501 (c)(3) organization cannot now, nor have been within the last five years, classified as a "private foundation" as described in Section 509 (a) of said Code.) Further, in accepting this grant City of Petersburg Department of Recreation, Special Events & Volunteerism agrees that the grant funds will be used exclusively for exempt purposes as described in Section 501(c)(3) or Section 170(c)(1), as applicable, and will not be used for the carrying on of propaganda, nor for otherwise attempting to influence legislation (within the meaning of the taxable expenditure prohibition rules of Treasury Regulations §53.4945-2), nor for participating in, or intervening in, any political campaign on behalf of, or in opposition to, any candidate for public office.

The grant also is expressly conditioned upon the following:

1. The grant funds must be used exclusively for the purpose or purposes described in the proposal your organization submitted to the Foundation; provided, however, that if your organization determines that a material variance in use is required or desirable, your organization may request a variance in use from the Foundation. The Foundation will have no obligation to permit such a variance, and your organization must not implement any such variance unless and until it receives written permission from the Foundation.

ORIGINAL

2. Your organization must submit to the Foundation both a post-grant evaluation report and a post-grant financial report with respect to the activities funded by the grant. These forms must be completed on the Foundation's website, ([www.camfound.org](http://www.camfound.org)) at the applicant login section. Reporting must be submitted on or before the following dates:

Final Report	11/15/2025
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The Foundation also would welcome your submission of any other program or financial reports that your organization may prepare.

**If your organization, without a reason acceptable to the Foundation, fails to submit the reports described above when they are due, the Foundation may require your organization to return all or a portion of the grant funds to the Foundation. In addition, unexcused delinquencies or tardiness in furnishing the reports may result in the denial of grant requests by your organization for a period of five years.**

This grant will be made according to the following payment schedule:

*up to \$150,000	To be determined
------------------	------------------

**\*To receive payment of this grant, the following conditions must be met:**

- **The City of Petersburg Department of Recreation, Special Events & Volunteerism demonstrates receipt of \$436,696.**
- **Submission of the City of Petersburg's maintenance plan for the park's space after Phase 1 renovations are complete, as well as the funding sources to underwrite that maintenance.**

If your organization is a publicly supported organization under Section 501(c)(3) of the Internal Revenue Code, be advised that the Foundation is a private foundation and only a portion of this grant may qualify as public support.

If you accept the foregoing terms and conditions of the grant, please indicate such acceptance by signing and returning the original letter (the copy is for your records). It is very important that you do this at your first opportunity, because the grant will be subject to cancellation by the Foundation if the signed copy is not received by the Foundation before the date for the first scheduled payment pursuant to the grant.

On behalf of the Board of Directors of The Cameron Foundation, I congratulate your organization on its selection as a grant recipient, and I extend my best wishes for the success of your efforts. If you have concerns or questions, please feel free to contact me.

Sincerely,



Nadine Marsh-Carter  
President

ORIGINAL

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2024

City of Petersburg Department of Recreation, Special Events & Volunteerism

By \_\_\_\_\_  
Mr. John March Altman, City Manager

By \_\_\_\_\_  
Mr. Marquis Allen, Director of Recreation, Special Events & Volunteerism

**ORIGINAL**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **Public Hearing of an Ordinance to Rezone Property at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, Parcel IDs 051070002, 051070001, 051070802, and 051070023, from the R-1 Single-Family Residence and B-2 General Commercial Districts to the RTH Residential Townhouse District - Pages 205-248**

**PURPOSE:** To consider the rezoning of four vacant parcels located at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road to the RTH, Residential Townhouse District. Three of the parcels are currently in the R-1, Single-Family Residence District (1425 and 1525 Youngs Road and 1819 Boydton Plank Road) and one of the parcels is within the B-2, General Commercial District (1827 Boydton Plank Road).

**REASON:** The applicant is requesting that four parcels be rezoned to accommodate townhouse development.

**RECOMMENDATION:** Planning Commission recommends approval. Staff recommends denial. Though the use is supported by the Comprehensive Plan, the concept provided for that use contradicts the appearance and function as envisioned in the Comprehensive Plan. Major concerns with the development shown on the concept plan include the loss of greenspace and vegetation on heavily wooded property and the lack of amenities provided on the site such as sidewalk, lighting, and landscaping. The Comprehensive Plan would support a more compact development that considers the existing vegetation and scale of the surroundings neighborhoods. Compact development and traditional neighborhood design would also put a bigger focus on amenities for future residents, such as bicycle and pedestrian accommodations and common areas for passive and active recreation.

**BACKGROUND:** The 11.39-acre property is located at the intersection of Youngs Road and Lincoln Street and comprises four largely wooded parcels. Two of the parcels involved have Boydton Plank Road addresses but do not have street frontage. No proffers were submitted with the application, meaning the rezoning would not be subject to any conditions if approved and the property could be developed with any by-right use allowed in the RTH District. which primarily allows for the development of townhouse units for sale. Uses permitted in the R-1A, Single-family Residence District are also allowed.

Article 12 of the Zoning Ordinance specifies the regulations for townhouse developments in the RTH District, including requirements for height, area, and bulk as well as for architectural treatment and parking. Developments are allowed at a density of up to 12 units per acre.

While no legally binding proffers were submitted, the application did include a conceptual layout plan that shows the property developed with 99 townhouse units. The units shown would be served by an extension of North Halcun Drive as well as two new public streets. The proposed units are shown with rear-access parking from private alleys. The plan shows two open spaces areas and two stormwater management areas. Conceptual floorplans were also included with the application showing three-story, three-bedroom units. A development at this density would result in approximately 540 additional daily trips on the local streets and approximately 30 elementary school-aged children.

City staff completed a preliminary review of the concept plan presented and provided the applicant with several comments laying out staff concerns and recommendations in case there was a desire to update the plan accordingly. After receiving the comments, the applicant chose to move forward with the request without change.

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 1. 24-REZ-02 Memo
2. 2. 24-REZ-02
3. 4. B & J Development Application
4. 5. YOUNGS RD. TOWNHOMES LAYOUT
5. 6. YOUNGS RD. TOWNHOMES 1
6. 7. Email to Applicant 9-9-24
7. Ordinance 24-REZ-02



# City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

## MEMORANDUM

**DATE:** November 2024

**TO:** City Council

**FROM:** Planning and Community Development

**RE:** 2024-REZ-02: A petition from owner/applicant B&J Development LLC to rezone property at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, further identified as Tax Parcels 051070002, 051070001, 051070802, and 051070023 from the R-1, Single-Family Residence and B-2, General Commercial Districts to the RTH, Residential Townhouse District.

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### EXECUTIVE SUMMARY

The City has received a request to rezone four vacant parcels located at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road to the RTH, Residential Townhouse District. Three of the parcels are currently in the R-1, Single-Family Residence District (1425 and 1525 Youngs Road and 1819 Boydton Plank Road) and one of the parcels is within the B-2, General Commercial District (1827 Boydton Plank Road). The property is designated as Community Residential on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan. No proffers were included with the proposed rezoning.

Staff is recommending denial of the request; there is a lack of information to confirm the project will comply with the Zoning Ordinance and the proposed development is not in line with the Comprehensive Plan.

### CHRONOLOGY OF EVENTS

1. August 27, 2024 – Staff received an application to rezone the property.
2. September 9, 2024 – Staff provided the applicant with preliminary review comments on the proposal.

## BACKGROUND

The 11.39-acre property is located at the intersection of Youngs Road and Lincoln Street and comprises four largely wooded parcels. Two of the parcels involved have Boydton Plank Road addresses but do not have street frontage. No proffers were submitted with the application, meaning the rezoning would not be subject to any conditions if approved and the property could be developed with any by-right use allowed in the RTH District, which primarily allows for the development of townhouse units for sale. Uses permitted in the R-1A, Single-family Residence District are also allowed.

Article 12 of the Zoning Ordinance specifies the regulations for townhouse developments in the RTH District, including requirements for height, area, and bulk as well as for architectural treatment and parking. Developments are allowed at a density of up to 12 units per acre.

While no legally binding proffers were submitted, the application did include a conceptual layout plan that shows the property developed with 99 townhouse units. The units shown would be served by an extension of North Halcun Drive as well as two new public streets. The proposed units are shown with rear-access parking from private alleys. The plan shows two open spaces areas and two stormwater management areas. Conceptual floorplans were also included with the application showing three-story, three-bedroom units. A development at this density would result in approximately 540 additional daily trips on the local streets and approximately 30 elementary school-aged children.

City staff completed a preliminary review of the concept plan presented and provided the applicant with several comments laying out staff concerns and recommendations in case there was a desire to update the plan accordingly. A summary is provided below, and a copy of the full email is provided as an attachment to this memo.

### Planning Items

- The plans do not adequately demonstrate the development complies with setback or parking standards
- The plans do not include sidewalk or street lighting as required by City Code
- The development results in a loss of approximately 11 acres of trees and greenspace and the developed site is shown as almost completely impervious apart from common areas. No trees are shown on the plan
- The site entrance directly abutting a residence on Lincoln Street should be reconsidered
- The comprehensive plan calls for considering the scale and character of the surrounding properties
- No amenities for residents are shown
- A planned unit development could allow flexibility in the layout and a development better matching the surroundings and serving future residents

### Public Works Items

- The City would not be willing to maintain new public streets as shown on the plan
- The site entrance from Lincoln Street is not acceptable except for emergency traffic
- Street improvements are required on both Youngs Road and Lincoln Street

After receiving the comments, the applicant chose to move forward with the request without change.

### **ADJACENT ZONING/USES**

The properties abutting the subject parcels are all zoned R-1, Single-Family Residence except for a parcel to the south of 1827 Boydton Plank Road, which is zoned B-2, General Commercial. Surrounding uses are mostly single-family residences apart from the Zion Apostolic Christian Memorial Temple at 1601 Youngs Road and what appears to be a workshop at 1825 Boydton Plank Road. Aubrey Apartments are located across Boydton Plank Road in the vicinity of the proposed development.

### **COMPREHENSIVE PLAN CONSIDERATIONS**

The subject property is designated as Community Residential on the Future Land Use Map of the Comprehensive Plan. Community Residential areas tend to be more suburban than urban with both single-family attached and detached dwellings present as well as infill lots and larger greenfield lots like the subject property. Primary land uses in the Community Residential areas include single-family detached dwellings, townhouses, multi-family dwellings, and institutional uses.

While townhouses in general are listed as an appropriate use in a Community Residential area, the Comprehensive Plan also includes guidance and principles as to how development should look and function. All new developments should complement the scale, form, and existing character of surrounding development and should include streetscapes with lighting, landscaping, and pedestrian, and bicycle facilities. New developments should also be mindful of sensitive environmental features such as the existing mature tree canopy. The plan encourages compact development patterns, including cluster and traditional neighborhood development.

As noted above, development of this property would not be **legally tied** to the concept plan provided with the application without any proffers, but assuming the property was developed according to the concept plan, the Comprehensive Plan **would not be supportive of it**. An objective of the City moving forward is to facilitate the provision of diverse and attainable housing stock in all neighborhoods, including providing “missing-middle” housing, but the pattern of development should follow the principles and practices outlined in the plan.

Another plan objective is to “be mindful of community character when evaluating new residential development to ensure that investment is complementary to existing character...” The surrounding neighborhoods consist of single-family detached dwellings on relatively small

lots with traditional yard spaces. In contrast, the proposed development spreads units sparsely across an almost entirely impervious site.

Major concerns with the development shown on the concept plan include the loss of greenspace and vegetation on heavily wooded property and the lack of amenities provided on the site such as sidewalk, lighting, and landscaping. The Comprehensive Plan would support a more compact development that considers the existing vegetation and scale of the surroundings neighborhoods. Compact development and traditional neighborhood design would also put a bigger focus on amenities for future residents such as bicycle and pedestrian accommodations and common areas for passive and active recreation.

#### **PUBLIC INPUT**

As of the writing of this report, staff have received no telephone calls, emails, or letters in support of or in opposition to the request. Two calls requesting additional information on the application were received.

**RECOMMENDATION:** Staff recommends denial of the rezoning request as presented. The Planning Commission recommend approval.

CITY COUNCIL  
MEETING

NOVEMBER  
2024



## 2024-REZ-02:

A petition from owner/applicant B&J Development LLC to rezone property at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, further identified as Tax Parcels 051070002, 051070001, 051070802, and 051070023 from the R-1, Single-Family Residence and B-2, General Commercial Districts to the RTH, Residential Townhouse District.

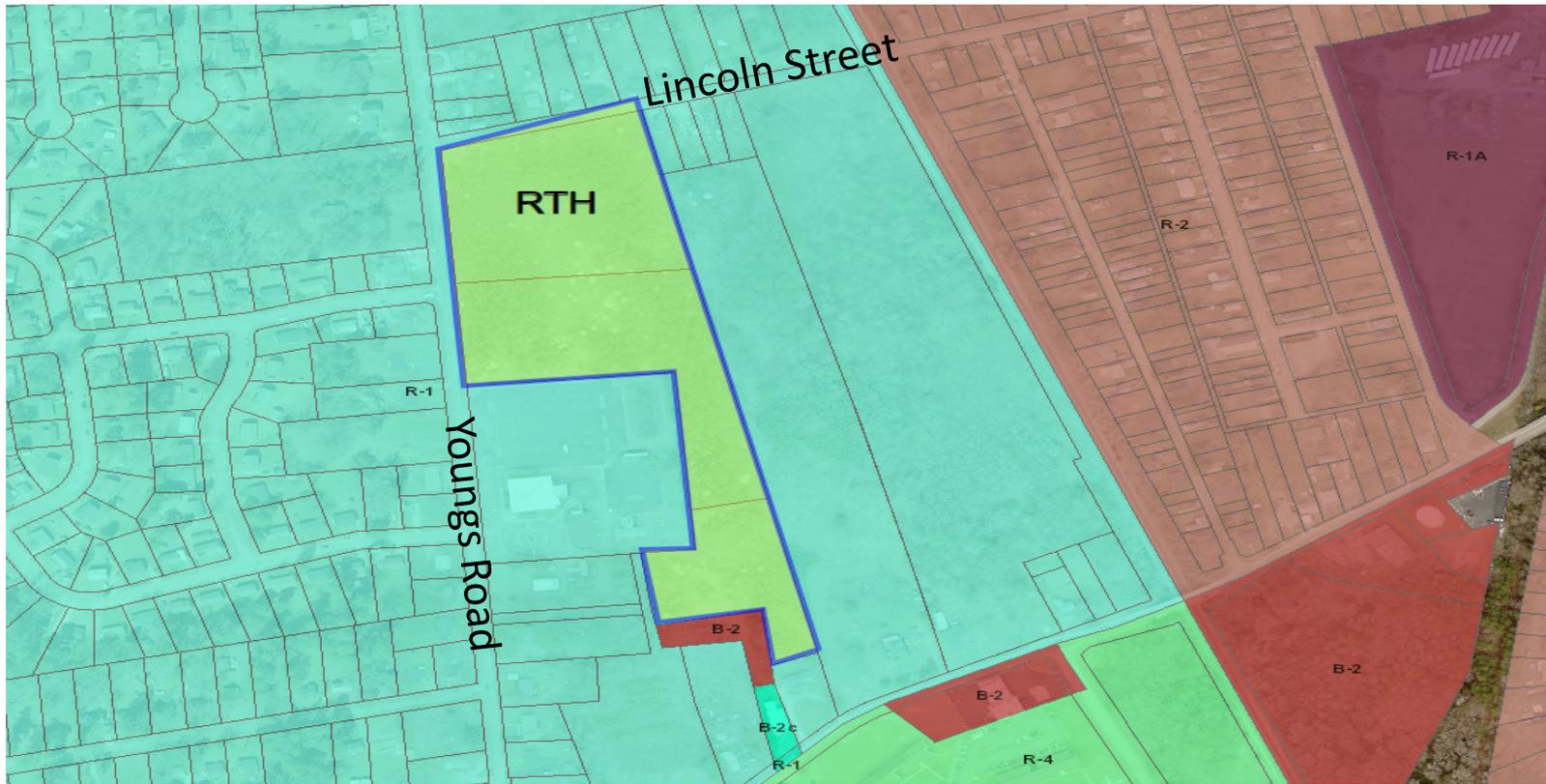
# Subject Properties

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# Adjoining Zoning

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# Request

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- Rezoning to RTH, Residential Townhouse District, for 99 residential townhouses for individual sale on about 11 acres with 198 parking spaces.
- 1425 and 1525 Youngs Road and 1819 Boydton Plank Road currently zoned R-1, Single-Family Residence.
- 1827 Boydton Plank Road currently zoned B-2, Central Commercial.
- No proffers included in request.

# Existing Conditions

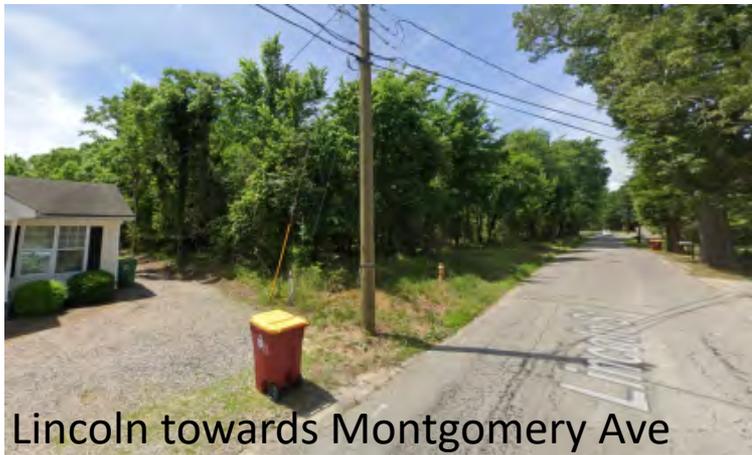
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View along Youngs Road



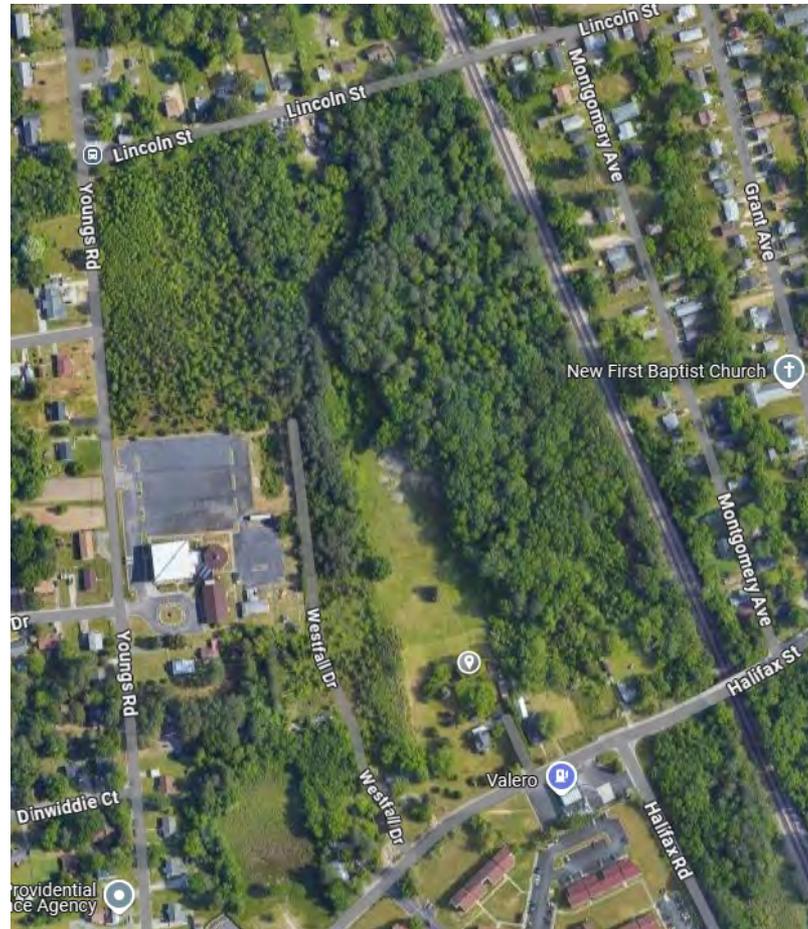
Youngs Road at Lincoln Road



Lincoln towards Montgomery Ave

# Existing Conditions

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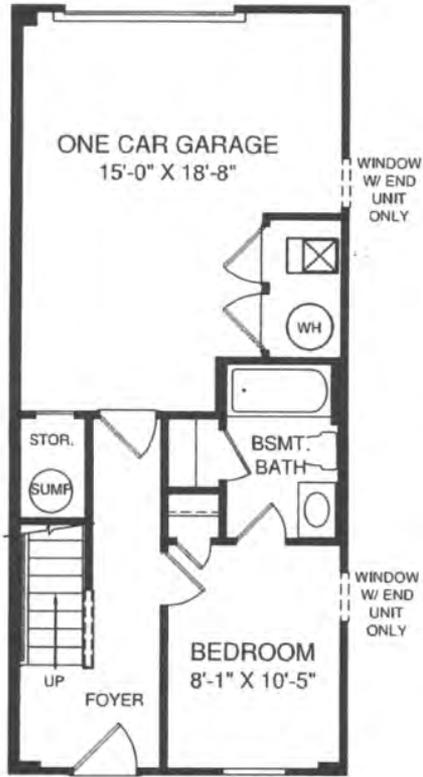
# RTH District

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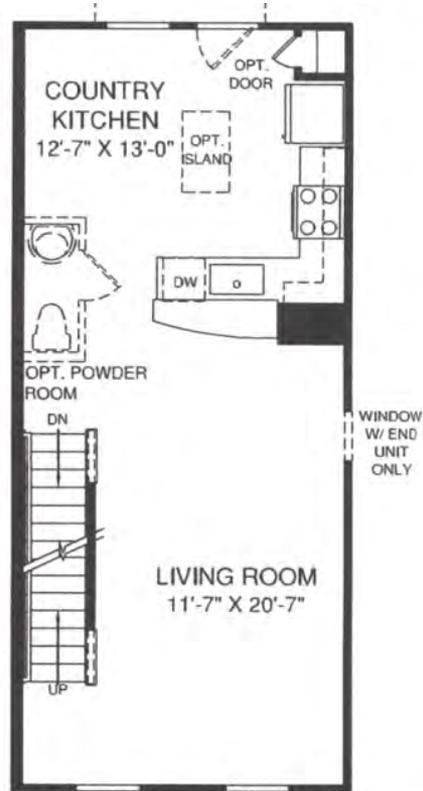
- Development permitted at density of 12 units per acre (currently at about 9 units per acre).
- Specific standards for height, area, bulk, parking, and architectural treatment are required per the RTH code some of which are not met as the project is presented.

# Concept

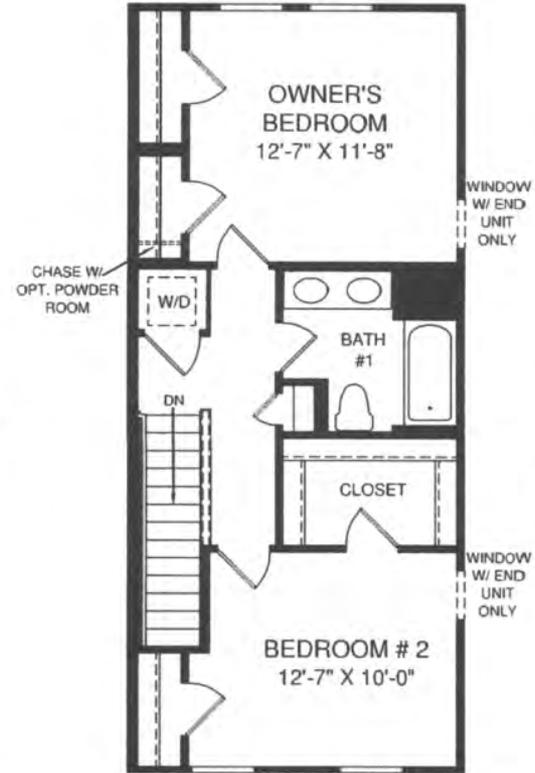




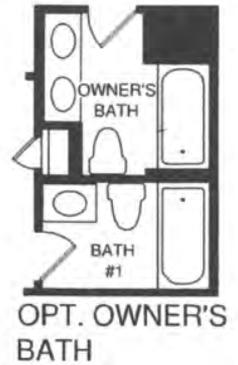
LOWER LEVEL



MAIN LEVEL



UPPER LEVEL



# Staff Concerns

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- Compliance with City Code (setbacks, architectural treatment, sidewalks, streetlights).
- Loss of trees/greenspace.
- Scale and character of surrounding properties.
- Street layout and maintenance.
- Conformance with Comprehensive Plan.
- Lack of amenities.



# Comprehensive Plan Considerations

---

- Community Residential on Future Land Use Map
  - Primary land uses include single-family detached, townhouses, multi-family housing, and institutional.
  - New development should complement scale of surroundings and be mindful of environmental features such as tree canopy.
  - Streetscapes with lighting, landscaping, and bike/ped facilities.
  - Compact development patterns; clustered/traditional design.
- “Facilitate diverse and attainable housing stock,” but “be mindful of community character when evaluating new residential development”

# Feedback

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- On 9/9/2024, staff shared the concerns regarding missing setback, curb and gutter information, and streetlights. Staff also shared the ability to make proffers to align the project with the Comprehensive Plan (compact development, preservation of trees, fitting development to the context of the area, amenities).
- Staff recommended a PUD for flexibility regarding building layout, density, green space preservation, etc. to better align with the Comprehensive Plan
- Public Works also shared concerns on road maintenance, location of the BMPs, and entrance locations.
- Applicant requested to advance the request as is without any changes.

# Recommendation

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- Staff recommends denial.
- Planning Commission recommends approval.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance to rezone property at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, further identified as Tax Parcels 051070002, 051070001, 051070802, and 051070023 from the R-1, Single-Family Residence and B-2, General Commercial Districts to the RTH, Residential Townhouse District.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

CASE NUMBER \_\_\_\_\_

Applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PETITION FOR REZONING OR SPECIAL USE PERMIT**

RETURN TO: DEPARTMENT OF PLANNING (CITY HALL, THIRD FLOOR, ROOM 304) WITH THE FILING FEE: \$1,500 (CHECK/MONEY ORDER/CASH) AT THE TIME OF SUBMITTAL

**A. Property Information**

1. B&J Development LLC, do hereby petition to rezone the following described properties from zoning district R1 to zoning district RTH to permit 100 Townhomes

2. Legal Description: (Use attachment if necessary) - Identify proposed Use

Parcel B 4.55 AC

Parcel A 4.55 AC

Portion of AA2 & B 2.0448 AC

Parts lots A-B & A2

3. Tax Parcel Identification Number(s):

051070002

051070001

051070802

051070023

Map

Block

Lot

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Current Street Address(es): - (if assigned) 1425 Youngs Rd. / 1525 Youngs Rd.  
Petersburg, Va 23803

5. Approximate Area: 490.034 sq. ft. 11.39 acres

6. Public Street Frontage 1,090.57 ft.

7. A boundary plat of this property outlining the area to be rezoned shall be attached to this petition.

8. The following deed restrictions may affect the use of this property:

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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9. Brief:

Said deed restrictions will expire on : \_\_\_\_\_

**B. JUSTIFICATION FOR REZONING**

1. The proposed change in zoning is necessary for the preservation and enjoyment of a substantial property right because: (A detailed statement of reasons why the proposed rezoning should be granted).

Proposed rezoning will have minimal impact on surrounding properties and will allow for  
like use.

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2. The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties located within the nearby vicinity because: (Specify reasons to substantiate this statement).

Subject property is located in a R1 district consisting of single-family residential housing and  
and multi-family apartments.

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3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

Proposed rezoning meets city comprehensive plan and use for the property.

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4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).
- 
- 
- 
-

C. CERTIFICATION:

The undersigned applicant certifies that: (He) (She):

✓ (a) Is the owner or lessee or agent specified in writing, for

\_\_\_\_\_ (b) Possesses a proprietary interest in: (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING; and that the foregoing answer and statements herein contained and all other information herewith submitted are in all respects true and correct to the best of (his) (her) knowledge and belief.

APPROVED

Signed: *Leanne B...*  
Mailing Address: 4007 Seaboard Ct. Ste 3  
Portsmouth VA. 23701

\_\_\_\_\_  
City Attorney

Phone Number: 804-712-6819

TO BE FILED IN TRIPPLICATE (3-SETS) IN THE PLANNING DEPARTMENT, CITY HALL

ACTION RECORD



Date Filed (with Planning Department) \_\_\_\_\_

Date of Planning Commission Public Hearing \_\_\_\_\_

Planning Commission Action(s) \_\_\_\_\_

Date of City Council Hearing: \_\_\_\_\_

City Council Action(s): \_\_\_\_\_

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

Sam Hamad

12402 Wynnstay Ct.

Chesterfield, Va 23838

Zion Apostolic Christian  
Mem Temple Inc.

1601 Youngs Rd.

Petersburg, Va 23803

Hope Richardson

1749 Boydton Plank Rd.

Petersburg, Va 23803

Sandra Perkins

1634 Lincoln St.

Petersburg, Va 23803

Steve Walker

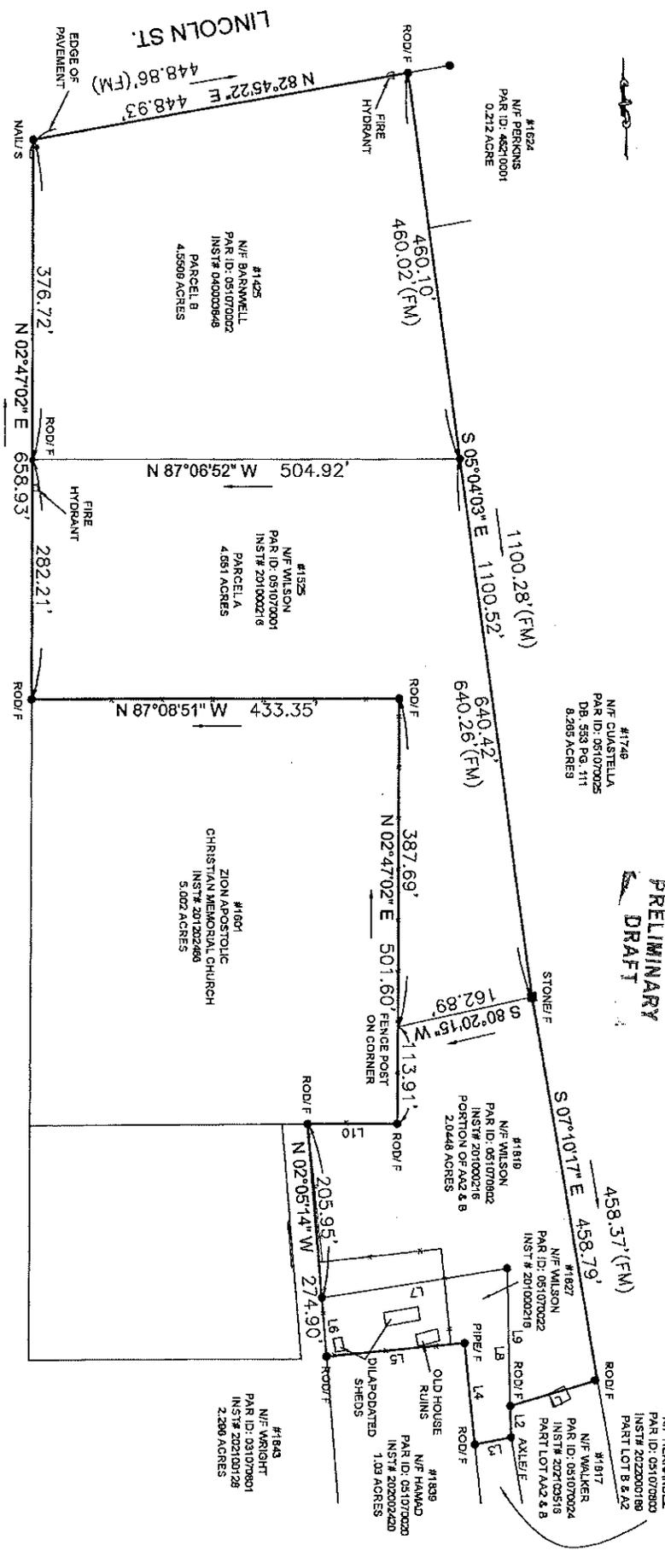
1817 Boydton Plank Rd.

Petersburg, Va 23803

For additional names, use back of sheet

THIS IS TO CERTIFY THAT ON JUNE 1, 2023, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS IN H.U.D. DEFINED FLOOD HAZARD AREA, ZONE: X, AS SHOWN ON FIRM COMMUNITY PANEL #514900185B, DATED 05-16-2012.



PRELIMINARY DRAFT

PRELIMINARY DRAFT

PRELIMINARY DRAFT

PLAT SHOWING IMPROVEMENTS ON 11.7 ACRES SITUATED AT THE CORNER OF YOUNGS RD. & LINCOLN ST.

IN THE CITY OF PETERSBURG, VIRGINIA THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

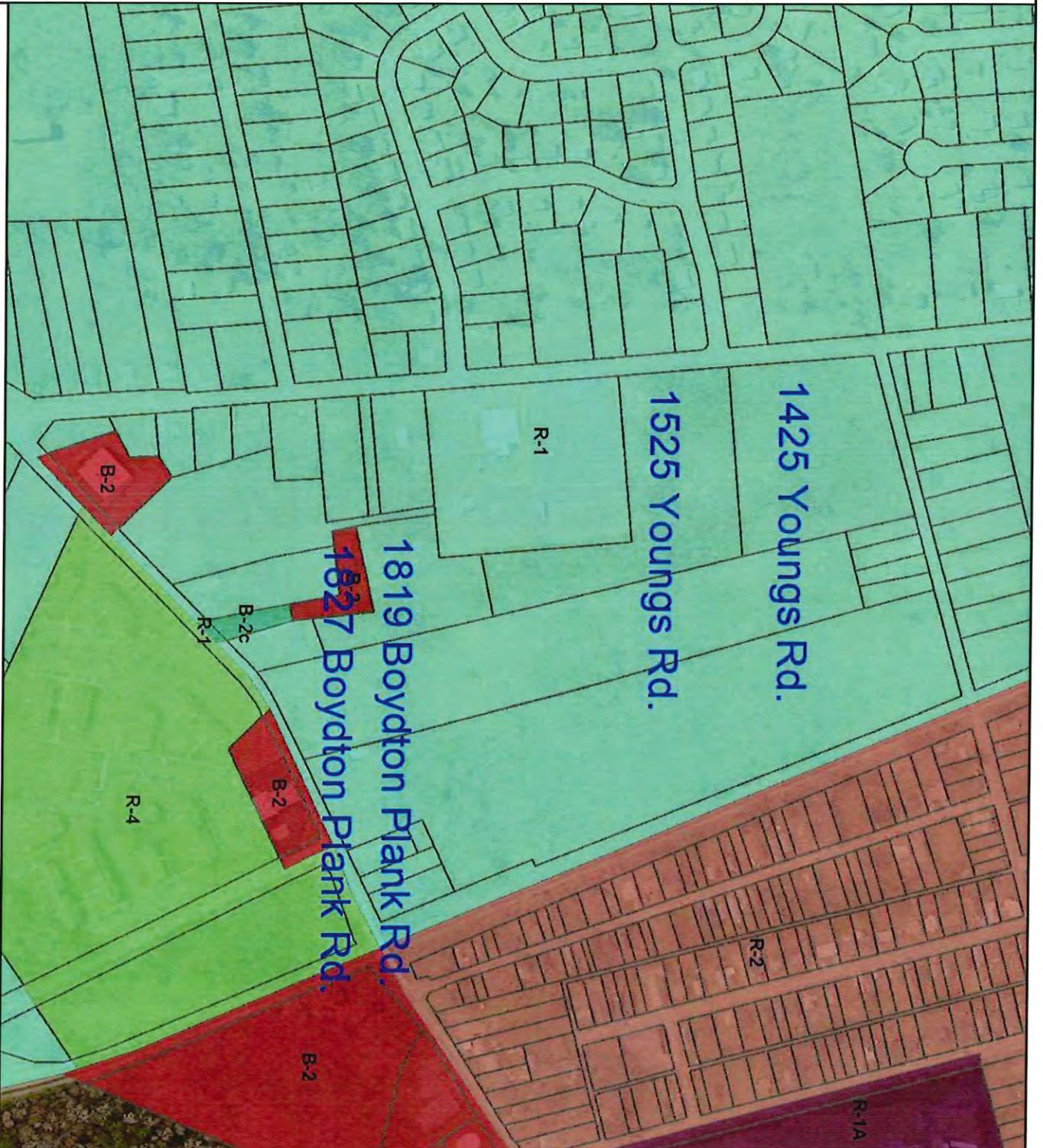
LINE	BEARING	DISTANCE
1	S 76°10'48" W	104.00 (FM)
2	S 00°50'53" W	37.07
3	S 81°49'53" W	43.96
4	N 03°27'18" W	120.46
5	S 87°27'44" W	183.94
6	N 02°05'14" W	69.35
7	N 83°51'28" E	227.60
8	S 00°56'08" W	199.37
9	S 00°57'21" W	192.30
10	S 87°24'18" E	105.13

**HARVEY L. PARKS, INC.**  
 4508 W HUNDRED ROAD  
 CHESTER, VA 23834  
 748-8641  
 748-0515  
 EMAIL: survey@hlparks.com FAX: 786-5742  
 DATE: JUNE 1, 2023 SCALE: 1"=120'  
 DRAWN BY: B.W.W.  
 CHECKED BY: R.L.O.  
 F.B.K.: 655, PG.26 65526.DWG

# Petersburg, Virginia

## Legend

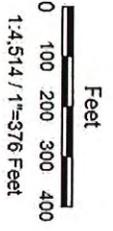
- City Boundary
- Parcels
- Zoning
- A
- B-1
- B-2
- B-2C
- B-3
- B-3C
- M-1
- M-2
- MXD1
- MXD2
- MXD3
- PUD
- R-1
- R-1A
- R-1A (C)
- R-1C
- R-2
- R-3
- R-4
- R-5
- R-5C
- R-6
- R1A
- RB
- RMH
- RTH



**Title:**

**Date:** 8/27/2024

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# Petersburg, Virginia

Parcel: 051070002

## Summary

Owner Name	B & J DEVELOPMENT LLC	National Historic District:	
Owner Mailing Address	4007 SEABOARD CT STE 3 PORTSMOUTH, VA 23701	Enterprise Zone:	
Property Use	150	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	1425 YOUNGS RD Petersburg, VA	Congressional District:	4
Legal Acreage:	4.55	City Ward:	7
Legal Description:	PARCEL B 4.5509 ACRES	Polling Place:	Stuart School
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8105
Local Historic District:		Elementary School:	Pleasants Lane
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

## Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
BARNWELL, JOCELYN M	4/1/2024	\$90,000	2024/1130
	8/19/2004	\$0	2004/3648

## Assessments

Valuation as of	01/01/2020	01/01/2021	01/01/2022	01/01/2023	01/01/2024
Effective for Billing:	07/01/2020	07/01/2021	07/01/2022	07/01/2023	07/01/2024
Reassessment					
Land Value	\$70,500	\$70,500	\$70,500	\$70,500	\$70,500
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$70,500	\$70,500	\$70,500	\$70,500	\$70,500

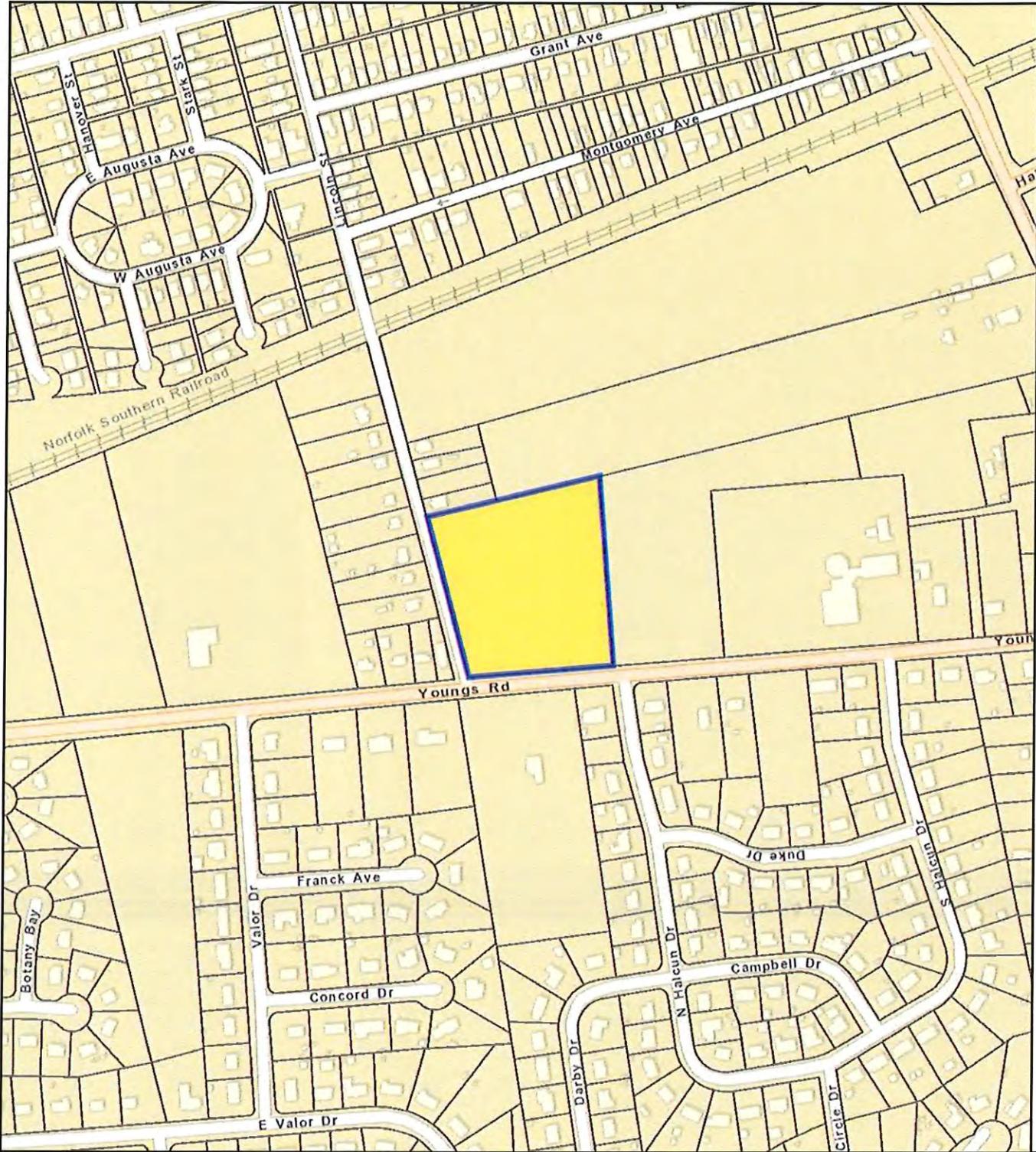
## Property Tax (Coming Soon)

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# Petersburg, Virginia

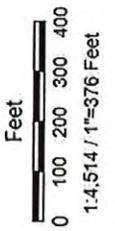
## Legend

-  City Boundary
-  Parcels



Parcel #: 051070002

Date: 8/27/2024



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# 1425 Youngs Rd.



# Petersburg, Virginia

Parcel: 051070001

## Summary

<b>Owner Name</b>	B & J DEVELOPMENT LLC	<b>National Historic District:</b>	
<b>Owner Mailing Address</b>	4007 SEABOARD CT STE 3 PORTSMOUTH, VA 23701	<b>Enterprise Zone:</b>	
<b>Property Use</b>	150	<b>Opportunity Zone:</b>	
<b>State Class:</b>	1 Single Family Urban	<b>VA Senate District:</b>	16
<b>Zoning:</b>	R-1	<b>Va House District:</b>	63
<b>Property Address</b>	1525 YOUNGS RD Petersburg, VA	<b>Congressional District:</b>	4
<b>Legal Acreage:</b>	4.551	<b>City Ward:</b>	7
<b>Legal Description:</b>	PARCEL A & PARCEL A 4.551 ACRES	<b>Polling Place:</b>	Stuart School
<b>Subdivision:</b>		<b>Primary Service Area:</b>	
<b>Assessment Neighborhood Name:</b>		<b>Census Tract:</b>	8105
<b>Local Historic District:</b>		<b>Elementary School:</b>	Pleasants Lane
		<b>Middle School:</b>	Vernon Johns Middle School
		<b>High School:</b>	Petersburg High School

## Improvements

<b>Finished (Above Grade):</b>		<b>Shed:</b>	
<b>Basement:</b>		<b>Total Rooms:</b>	
<b>Attached Garage:</b>		<b>Bedrooms:</b>	
<b>Detached Garage:</b>		<b>Full Baths:</b>	
<b>Enclosed Porch:</b>		<b>Half Baths:</b>	
<b>Open Porch:</b>		<b>Foundation:</b>	
<b>Deck/Patio:</b>		<b>Central A/C:</b>	0%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
WILSON, BEVERLY	4/23/2024	\$75,000	2024/1416
DAUGHERTY GRACIE E	7/7/2010	\$0	2010/0216
	5/12/2003	\$0	0/6666

## Assessments

Valuation as of	01/01/2020	01/01/2021	01/01/2022	01/01/2023	01/01/2024
<b>Effective for Billing:</b>	07/01/2020	07/01/2021	07/01/2022	07/01/2023	07/01/2024
<b>Reassessment</b>					
<b>Land Value</b>	\$70,500	\$70,500	\$70,500	\$70,500	\$70,500
<b>Improvement Value</b>	\$	\$	\$	\$	\$
<b>Total Value</b>	\$70,500	\$70,500	\$70,500	\$70,500	\$70,500

## Property Tax (Coming Soon)

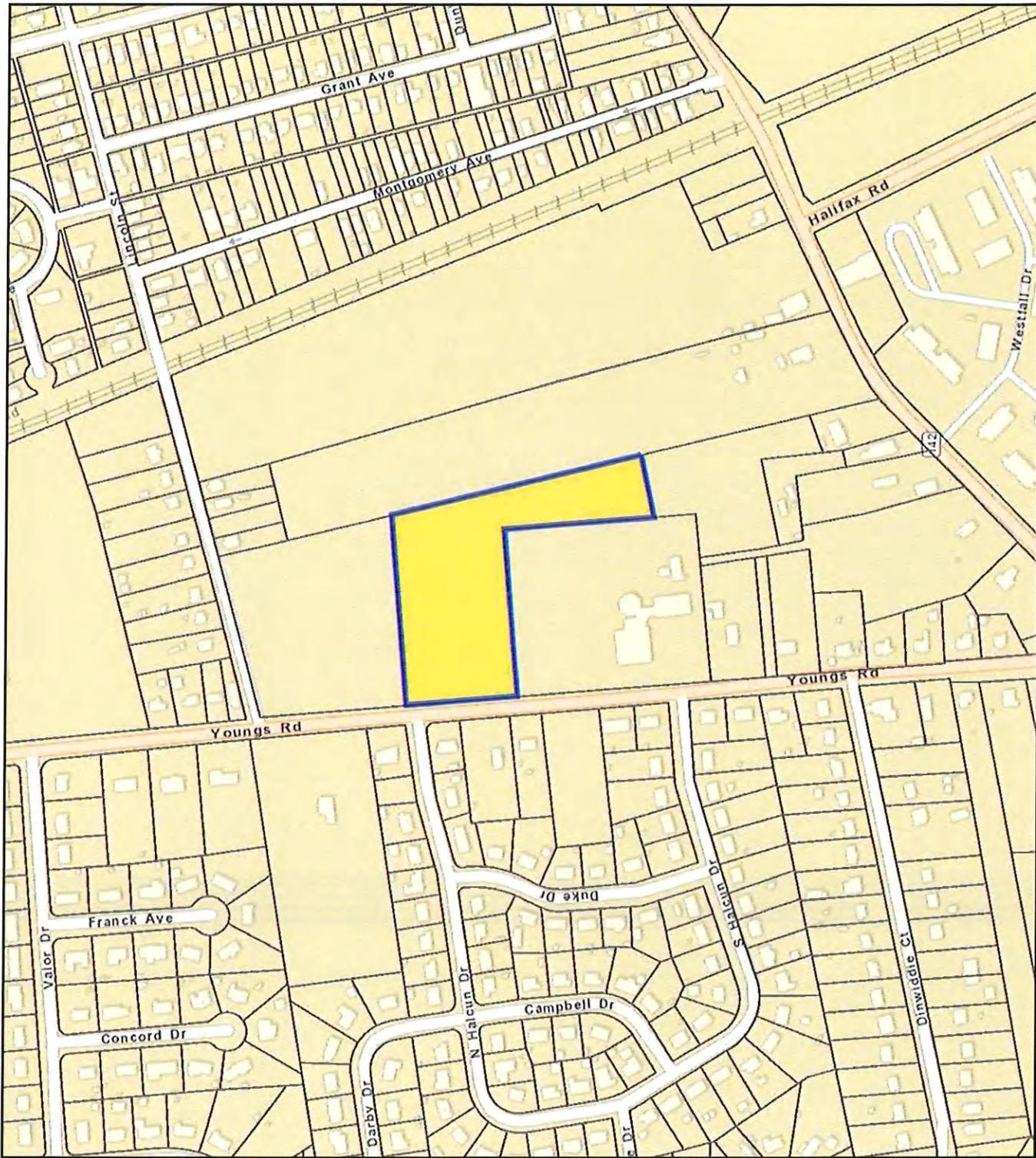
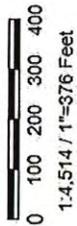
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# Petersburg, Virginia

## Legend

-  City Boundary
-  Parcels

Feet



**Parcel #: 051070001**

**Date: 8/27/2024**

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# 1525 Youngs Rd.



# Petersburg, Virginia

Parcel: 051070802

## Summary

Owner Name	B & J DEVELOPMENT LLC	National Historic District:	
Owner Mailing Address	4007 SEABOARD CT STE 3 PORTSMOUTH, VA 23701	Enterprise Zone:	
Property Use	150	Opportunity Zone:	
State Class:	1 Single Family Urban	VA Senate District:	16
Zoning:	R-1	Va House District:	63
Property Address	1819 BOYDTON PLANK RD Petersburg, VA	Congressional District:	4
Legal Acreage:	2.066	City Ward:	7
Legal Description:	PORTION OF A A2 & B 2.0448 ACRES	Polling Place:	Stuart School
Subdivision:		Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8105
Local Historic District:		Elementary School:	Pleasants Lane
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

## Improvements

Finished (Above Grade):		Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	0%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
WILSON,BEVERLY	4/23/2024	\$75,000	2024/1416
DAUGHERTYGRACIE E	7/7/2010	\$0	2010/0216
	5/12/2003	\$0	0/6666

## Assessments

Valuation as of	01/01/2020	01/01/2021	01/01/2022	01/01/2023	01/01/2024
Effective for Billing:	07/01/2020	07/01/2021	07/01/2022	07/01/2023	07/01/2024
Reassessment					
Land Value	\$19,600	\$19,600	\$19,600	\$19,600	\$19,600
Improvement Value	\$	\$	\$	\$	\$
Total Value	\$19,600	\$19,600	\$19,600	\$19,600	\$19,600

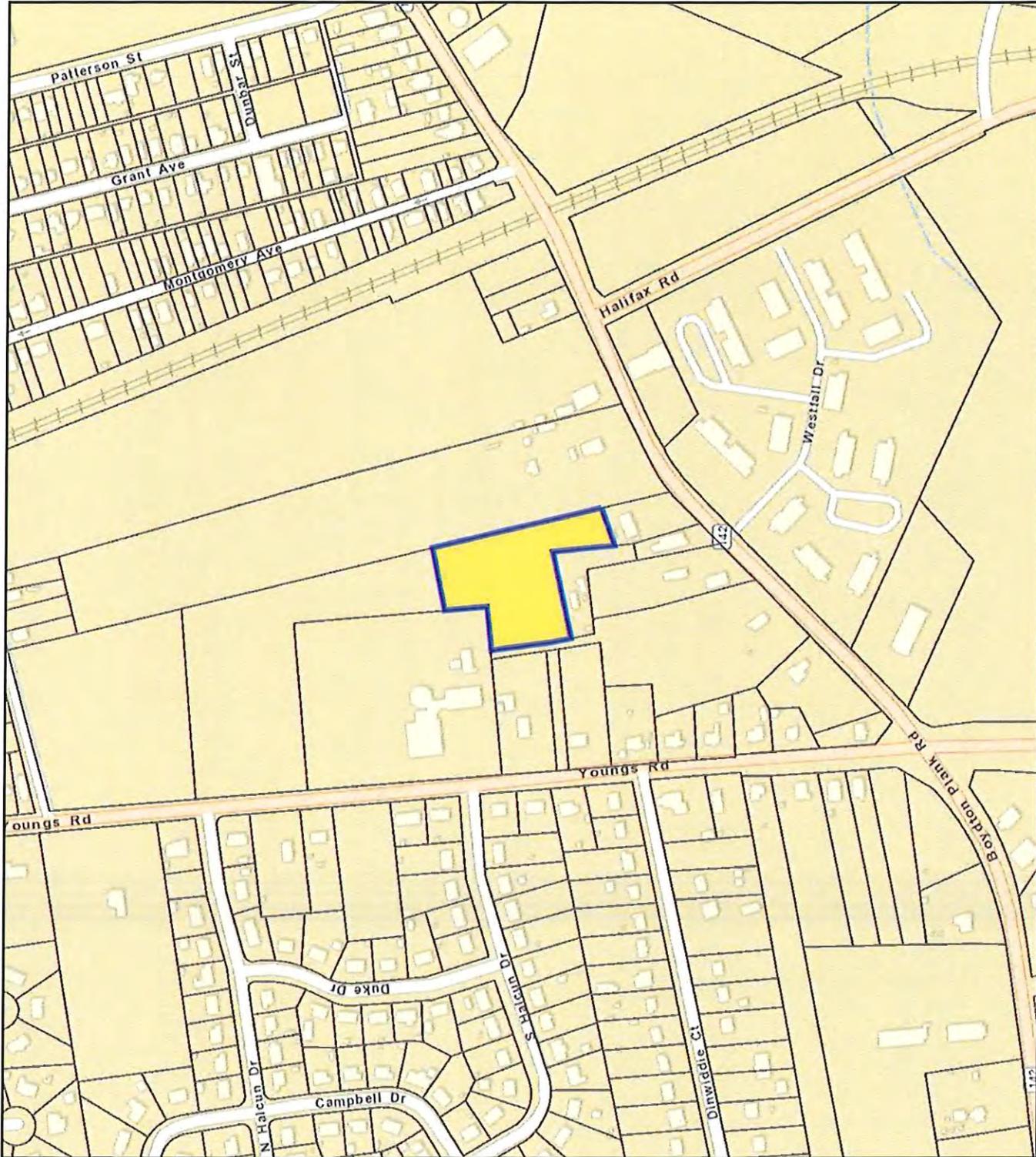
## Property Tax (Coming Soon)

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# Petersburg, Virginia

## Legend

-  City Boundary
-  Parcels



Parcel #: 051070802

Date: 8/27/2024

Feet



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# 1819 Boydton Plank Rd.



# Petersburg, Virginia

Parcel: 051070023

## Summary

<b>Owner Name</b>	B & J DEVELOPMENT LLC	<b>National Historic District:</b>	
<b>Owner Mailing Address</b>	4007 SEABOARD CT STE 3 PORTSMOUTH, VA 23701	<b>Enterprise Zone:</b>	
<b>Property Use</b>	150	<b>Opportunity Zone:</b>	
<b>State Class:</b>	1 Single Family Urban	<b>VA Senate District:</b>	16
<b>Zoning:</b>	B-2	<b>Va House District:</b>	63
<b>Property Address</b>	1827 BOYDTON PLANK RD Petersburg, VA	<b>Congressional District:</b>	4
<b>Legal Acreage:</b>	.228	<b>City Ward:</b>	7
<b>Legal Description:</b>	PARTS LOTS A B & A2	<b>Polling Place:</b>	Stuart School
<b>Subdivision:</b>	Markek	<b>Primary Service Area:</b>	
<b>Assessment Neighborhood Name:</b>		<b>Census Tract:</b>	8105
<b>Local Historic District:</b>		<b>Elementary School:</b>	Pleasants Lane
		<b>Middle School:</b>	Vernon Johns Middle School
		<b>High School:</b>	Petersburg High School

## Improvements

<b>Finished (Above Grade):</b>		<b>Shed:</b>	
<b>Basement:</b>		<b>Total Rooms:</b>	
<b>Attached Garage:</b>		<b>Bedrooms:</b>	
<b>Detached Garage:</b>		<b>Full Baths:</b>	
<b>Enclosed Porch:</b>		<b>Half Baths:</b>	
<b>Open Porch:</b>		<b>Foundation:</b>	
<b>Deck/Patio:</b>		<b>Central A/C:</b>	0%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
WILSON, BEVERLY	4/23/2024	\$75,000	2024/1416
DAUGHERTY GRACIE E	7/7/2010	\$0	2010/0216
	5/12/2003	\$0	0/6666

## Assessments

Valuation as of	01/01/2020	01/01/2021	01/01/2022	01/01/2023	01/01/2024
<b>Effective for Billing:</b>	07/01/2020	07/01/2021	07/01/2022	07/01/2023	07/01/2024
<b>Reassessment</b>					
<b>Land Value</b>	\$8,200	\$8,200	\$8,800	\$8,800	\$8,800
<b>Improvement Value</b>	\$	\$	\$	\$	\$
<b>Total Value</b>	\$8,200	\$8,200	\$8,800	\$8,800	\$8,800

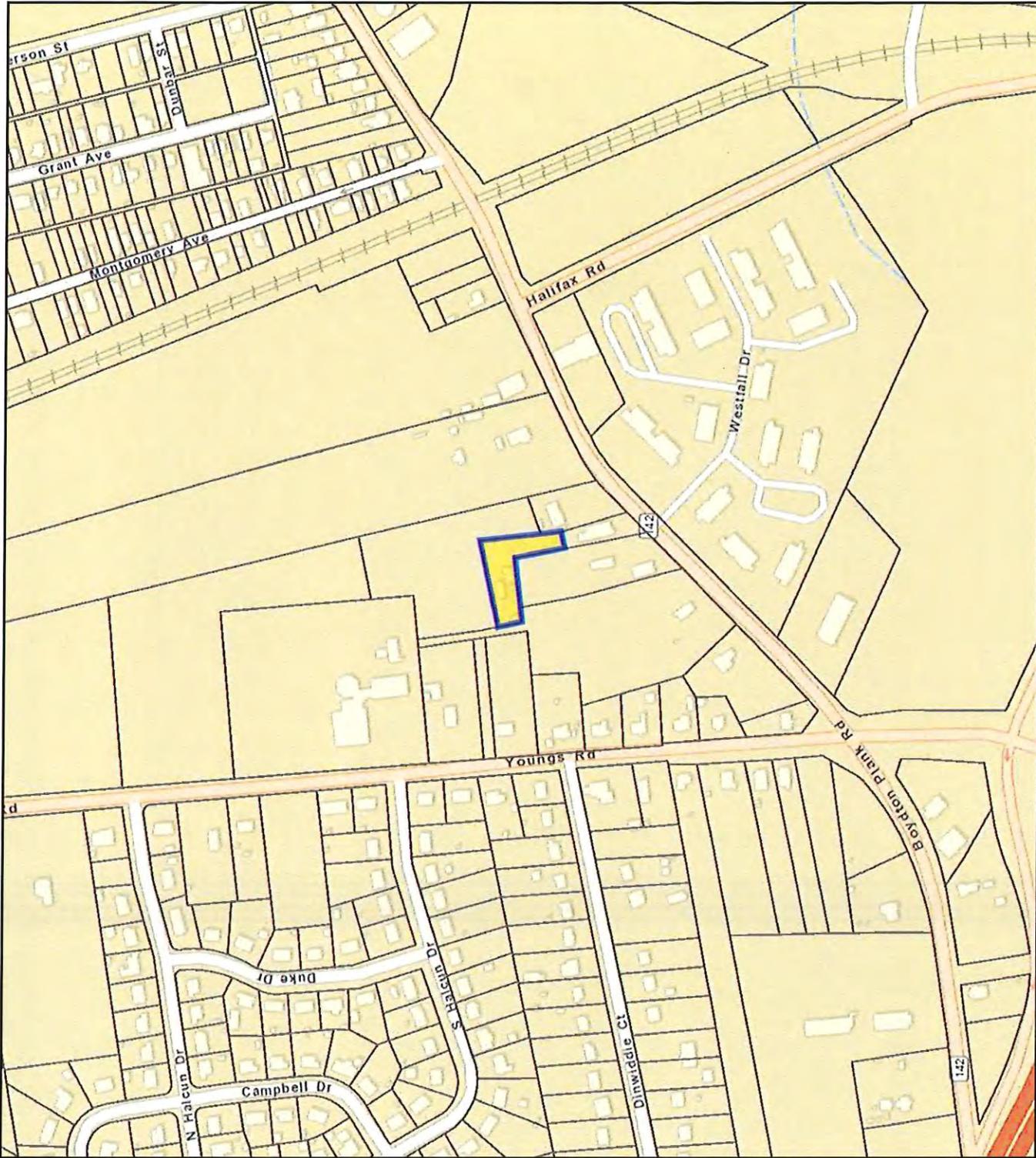
## Property Tax (Coming Soon)

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# Petersburg, Virginia

## Legend

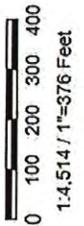
-  City Boundary
-  Parcels



Parcel #: 051070023

Date: 8/27/2024

Feet



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# 1827 Boydton Plank Rd.

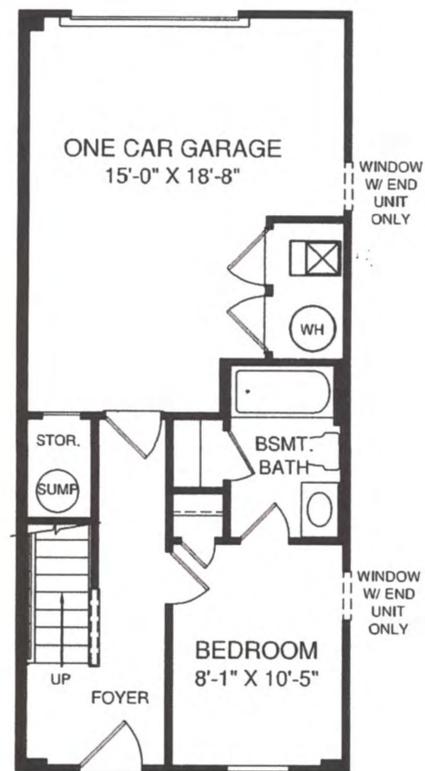


02/28/2023

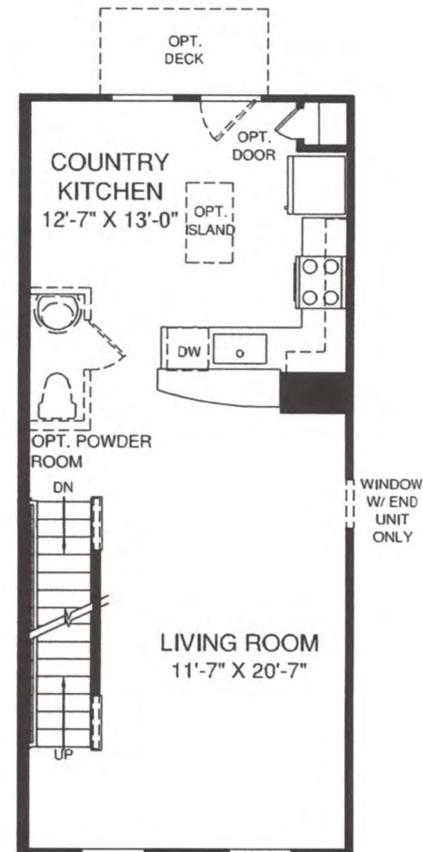
**SITE DATA:**  
TOTAL AREA 11.6 +/- AC  
TOWNHOUSE UNITS 99 +/-



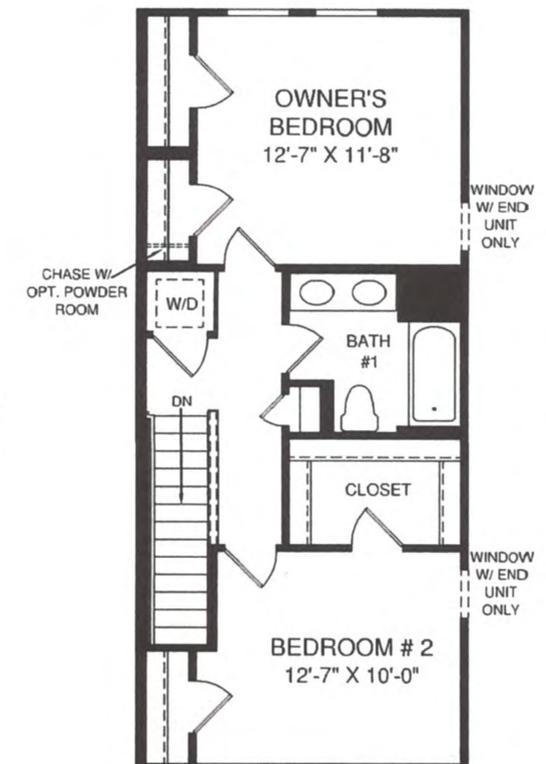
**YOUNGS ROAD - PETERSBURG, VA**



LOWER LEVEL



MAIN LEVEL



UPPER LEVEL



## Jared Crews

---

**From:** Jared Crews  
**Sent:** Monday, September 9, 2024 2:51 PM  
**To:** banks.tim40@gmail.com  
**Cc:** Naomi Siodmok  
**Subject:** Proposed Rezoning - Youngs Road/Lincoln Street

Good afternoon Mr. Banks,

City Staff have done a preliminary review of the proposed rezoning of the parcels on Youngs Road/Lincoln Street based on the application and layout plan. I'm providing the comments from that review for you to consider and I encourage you to update the plans to address the issues raised. Please let me know if you'd like to keep the request on the agenda for the October 3 Planning Commission meeting or if you'd like more time to address these comments.

Please be aware staff would recommend denial of the request as currently presented since there are improvements needed to the designs of the buildings and site to be consistent with the [Comprehensive Plan](#) and [City Code](#). **Page 250** of the Comprehensive Plan will likely be most helpful for understanding the vision for the property.

Comments are below:

### **Planning Department:**

Required:

- 1) The plan should indicate the [setbacks](#) for the units (from the street as well as between clusters of units) as well as how the parking requirement will be met (2 spaces per unit)
- 2) One of the [standards](#) for townhomes identified in City Code is that no more than three abutting units can have the same setbacks – the offset between units would need to be shown on the concept plan.
- 3) Sidewalks with curb and gutter and streetlights would be required along the frontage of Youngs Road and Lincoln Street as well as along the new streets interior to the development.

Informational/advisory:

- 1) Are you planning to submit any [proffers](#) with the request? Proffers are voluntary conditions that you can offer the City that would become legally binding for the approval of the rezoning. An example would be a proffer stating that the property will be developed according to what's shown on your concept plan. Again, proffers are voluntary and the City can't force you to offer any, but they can be used to offset potential impacts of the development and make the request more favorable
- 2) Could the entrance shown from Lincoln Street be shifted westward to create separation from the home at 1634 Lincoln?
- 3) The development should fit with the scale and character of the existing homes in the area. You provided some basic renderings of what units might look like, but more detailed elevations or renderings would be helpful (you could also consider a proffer stating the townhomes will be built in conformance with the renderings).

- 4) The development as shown will result in a big loss of greenspace/vegetation and the entire site appears to be impervious except the BMPs and two small open space areas. We would urge you to find more opportunities for greenspace throughout the site to be more consistent with the Comprehensive Plan. Examples include plantings along the streetscapes, parking lot landscaping, clustering development, and yard areas for the individual units. The Comprehensive plan also notes that development on undeveloped parcels should be mindful of sensitive environmental features.
- 5) Any additional amenities for residents would be encouraged – examples might include bike infrastructure, a playground, a bus stop, etc.
- 6) You could consider [PUD](#) (planned unit development) zoning instead of the RTH zoning. This will allow for greater flexibility in building layout and opportunity to cluster development to preserve and provide more green space.

### **Public Works:**

#### Required:

- The City would not be looking to maintain the interior streets in the development. The streets need to be identified as private on the plan
- Hammerhead/ “T” turnarounds or cul-de-sacs are required at the end of each street
- 10 feet of right-of-way would need to be dedicated along both Youngs Road and Lincoln Street to accommodate sidewalks, lighting, and potential widening
- The primary entrance from Youngs Road is acceptable, but the Lincoln Street entrance would be restricted to only emergency traffic

#### Informational/Advisory:

- A turn lane may be required on Youngs Road prior to site development (an analysis would be required prior to approval of a site plan)
- Assuming that the BMPs proposed are above-ground ponds, the larger BMP to the south appears to be in the area of the site that’s highest in elevation; therefore, getting adequate “fall” to that BMP could be a challenge. The northern BMP appears to be in a better position (lower elevation) to receive most of the site runoff. This would indicate that as SWM site design proceeds, the northern BMP may need to get larger and the southern BMP may need to shrink and also possibly be relocated to get better “fall” (even for just the southern portion of the development)
- There are 8" water and sewer mains in Youngs Rd and Lincoln St. At 1601 Youngs Rd static pressure of 36psi, residual pressure of 23psi at 880 GPM fire flow. At Boyden Plank and Youngs Rd static pressure of 42psi, residual pressure of 30psi at 840GPM fire flow (see attached)

I know this is a lot of information so feel free to reach out with any questions you have. Again, my recommendation would be to take some time to update the application before moving ahead with the request as-is, but please let me know how you’d like to proceed.

Thanks,

Jared Crews  
Planning Manager, Planning and Community Development  
135 N Union Street, Petersburg, VA 23803  
(804) 733-2309



[jcrews@petersburg-va.org](mailto:jcrews@petersburg-va.org)

**AN ORDINANCE APPROVING A REZONING OF PROPERTY LOCATED AT 1425 AND 1525 YOUNGS ROAD AND 1819 AND 1827 BOYDTON PLANK ROAD FROM R-1, SINGLE-FAMILY RESIDENCE DISTRICT AND B-2, GENERAL COMMERCIAL DISTRICT TO RTH, RESIDENTIAL TOWNHOUSE DISTRICT.**

WHEREAS, the City of Petersburg received a petition to rezone the property located at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, PINs 051070002, 051070001, 051070802, and 051070023 from R-1, Single-Family Residence District and B-2, General Commercial District to RTH, Residential Townhouse District; and

WHEREAS, a concept plan was provided showing the property developed with approximately 99 townhouse units; and

WHEREAS, City Staff reviewed the proposed concept plan and voiced concerns over compliance with City Code and the Comprehensive Plan, the loss of greenspace on the property, compatibility with surrounding uses, and the proposed street layout and maintenance thereof; and

WHEREAS, City Council views the property as currently underutilized and is supportive of the potential for new residential development in the City and a corresponding increase in the tax base; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that the City Council does hereby approve an ordinance rezoning the property located at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road from R-1, Single-Family Residence District and B-2, General Commercial District to RTH, Residential Townhouse District.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **A Public Hearing of an Ordinance for a Special Use Permit for a Vehicle Removal Operator and Associated Vehicle Storage and Tow Lot on Property at 1700 Midway Avenue, Parcel ID 028310001, in a M-1, Light Industrial District - Pages 249-272**

### **PURPOSE:**

**REASON:** The applicant desires to be allowed to operate his tow service company at the subject property on a 0.865-acre parcel located off W. Washington St and within the “Anchor Industrial Park” addressed as 1700 Midway Avenue. A Special Use Permit is required to operate a towing service per Article 23, Section 4 (20) of the Zoning Ordinance. The subject property is zoned M-1, Light Industrial District and designated as Corridor Commercial on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan. The proposed use, if permitted, will be controlled by the Zoning Ordinance as well as any conditions recommended by the Planning Commission and accepted by City Council.

**RECOMMENDATION:** Staff and Planning Commission recommend approval with conditions:

1. All vehicles are to be stored within the confines of the property’s fence which shall be enhanced with an opaque cover; no more than 25 vehicles shall be stored on the site at one time.
2. The property shall be kept and maintained in a clean, orderly manner and beyond vehicles, no open, outdoor storage is permitted.
3. A continuous row of evergreen trees at least six feet in height shall be installed along the portion of the southern property boundary which is visible from West Washington Street.
4. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License.
5. Parking spaces for recovered vehicles shall be delineated with painted or plastic striping and paved in accordance with the Zoning Ordinance.
6. No general vehicle repair business shall be operated at the subject premises. There shall be no engine parts, scrap metal, plastic materials, glass/windshields or wasted tires left on the premises of the site. Recovered vehicles shall be removed in a timely manner and not exceed DMV guidelines.

7. Any new owner of the property must certify with the Zoning Administrator that the party will be undertaking the same or like endeavor and that their operation will remain in compliance with the approved Special Use Permit.
8. A permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant(s) to comply with any of the listed conditions or any provision of Federal, State, or local regulations.

**BACKGROUND:** This request came before Council in February 2024 and was denied. The applicant has worked with staff, council members, and Planning Commission on conditions to make a more attractive project.

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 2. 24-SUP-01
2. 4. Application
3. Ordinance 24-SUP-01
4. 1. 1700 Midway Ave Memo

CITY COUNCIL  
MEETING

NOVEMBER  
2024



## 2024-SUP-01:

A petition from the owner of Grand Generation, LLC., D. Wyatt, leasee, of 1700 Midway Avenue, further identified as Tax Parcel 028310001 for a Special Use Permit pursuant to Article 23, Section 4 (20) of the Zoning Ordinance to operate as a Vehicle removal operator, vehicle storage lot, or vehicle tow in the M-1, Light Industrial District. FUNK LLC is the owner of said property.

# Subject Property

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# Request and Background

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- Applicant seeking to operate towing service with vehicle storage, SUP required in M-1, Light Industrial District.
- Property located in Anchor Industrial Park.
- Same request was heard in January; Commission Recommended approval, Council denied the SUP.
- New request based on Council feedback.



# Comprehensive Plan Considerations

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- Corridor Commercial on Future Land Use Map -“Areas providing goods and services for the community, allowing residents to access amenities without leaving and keeping tax dollars within Petersburg”
- Future development should include hospitality, commercial, personal service, and small-scale manufacturing uses
- “Development should be sited so that principal façade faces the street and should integrate pedestrian and bicycle infrastructure to create a more walkable, vibrant, and connected “Main Street” development pattern.”

# Adjoining Zoning/Uses

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# Proposed Conditions

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1. All vehicles are to be stored within the confines of the property's fence which shall be enhanced with an opaque cover; no more than 25 vehicles shall be stored on the site at one time
2. The property shall be kept and maintained in a clean, orderly manner and beyond vehicles, no open, outdoor storage is permitted
3. A continuous row of evergreen trees at least six feet in height shall be installed along the portion of the southern property boundary which is visible from West Washington Street.
4. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License

# Conditions cont.

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5. Parking spaces for recovered vehicles shall be delineated with painted or plastic striping and paved in accordance with the Zoning Ordinance.
6. No general vehicle repair business shall be operated at the subject premises. There shall be no engine parts, scrap metal, plastic materials, glass/windshields or wasted tires left on the premises of the site. Recovered vehicles shall be removed within a timely manner and not exceed DMV guidelines.
7. Any new owner of the property must certify with the Zoning Administrator that the party will be undertaking the same or like endeavor and that their operation will remain in compliance with the approved Special Use Permit.
8. A permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant(s) to comply with any of the listed conditions or any provision of Federal, State, or local regulations.

# Additional Considerations

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- Use in line with current zoning, but not Future Land Use Map.
- Manufacturing, distribution, freight uses allowed by-right in M-1 District.
- New conditions recommended to address Council concerns with original request.

# Recommendation

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- Staff recommends approval with conditions.
- Planning Commission recommends approval with conditions.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** WITH THE OUTLINED CONDITIONS an ordinance for 1700 Midway Avenue, further identified as Tax Parcel 028310001 for a Special Use Permit pursuant to Article 23, Section 4 (20) of the Zoning Ordinance to operate as a Vehicle removal operator, vehicle storage lot, or vehicle tow in the M-1, Light Industrial District.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...



## City of Petersburg

### Department of Planning and Community Development

#### PROCEDURES FOR PETITION FOR SPECIAL USE PERMITS

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Special Use Permits is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. A Plat of the property must also accompany the petition.
4. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
5. The City Council schedules then advertises a public hearing regarding the petition.
6. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

*PLEASE NOTE: The special use permit process may take up to three months.*

**PETITION FOR SPECIAL USE PERMIT**

RETURN TO: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
(CITY HALL, THIRD FLOOR, ROOM 304)  
FILING FEE: \$1,500 (CHECK OR MONEY ORDER) AT THE TIME OF SUBMITTAL

CASE NUMBER: \_\_\_\_\_  
APPLICANT: Grand Generation LLC DBA 5STAR logistics  
ADDRESS: 17200 Eppes Rd  
Dewitt, VA 23840

I, Grand Generation LLC hereby petition for a special use permit for Towing  
at the following described properties:

**A. DESCRIPTION OF PROPOSED USE: (INCLUDE ANY PROPOSED CONDITIONS)**

Towing yard and vehicle storage

**B. PROPERTY INFORMATION**

1. Tax Parcel Identification Number(s):

028310001

2. Current Street Address(es) if assigned):

1701 Midway Ave, Petersburg, VA 23803

3. Approximate Area:

27,904.751 sq. ft. 0.641 acres

4. Public Street Frontage:

ft.

5. A boundary plat of this property outlining the area to be use must be attached to this petition.

6. The following deed restrictions may affect the use of this property:

none

7. Brief:

Said deed restrictions will expire on: n/A

**C. JUSTIFICATION FOR SPECIAL USE PERMIT**

1. The proposed use is in the interest of the public health, safety, morals and general welfare of the community because: (Provide a detailed statement of reasons why the proposed use should be granted).

~~Wouldn't be able to operate without special use permit. Per. article 23 of zoning ordinance~~

The increase in demand of towing in the Petersburg area. Also adds opportunity of employment for jobs within city limits

2. The material impact of the proposed use will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties located within the nearby vicinity because: (Specify reasons to substantiate this statement and/or present ways the impact may be mitigated).

Property is zoned light industrial and towing operations are allowed in the ml district. Automobiles will not be stored over allowed dmV-time frame. to process yard will be visible, lighted and also secured. Will also be gated and blocked from public view.

3. The proposed use will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

Being able to respond to a accident quickly can be moments of life or death. The city needs abundant vehicles moved off the interstates and streets as quickly as possible.

4. Describe your experience with developing and maintaining the use in question (Provide references and/or examples).

This will be my 1<sup>st</sup> tow yard but I am a very detail and extremely presentation visible person.

**D. CERTIFICATION:**

The undersigned applicant certifies that they:

DW

(a) are the owner, lessee or agent for (specified in writing)

(b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR SPECIAL USE PERMIT, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.

Signed:

*[Signature]*

Mailing Address:

17200 Eppes Rd  
Dewitt, VA 23840

Phone Number:

804-605-7585

Email Address:

5starlogistics18@gmail.com

APPROVED

\_\_\_\_\_  
City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**ACTION RECORD**

Date Filed (with Planning Department):

\_\_\_\_\_

Date of Planning Commission Public Hearing:

\_\_\_\_\_

Planning Commission Action(s):

\_\_\_\_\_

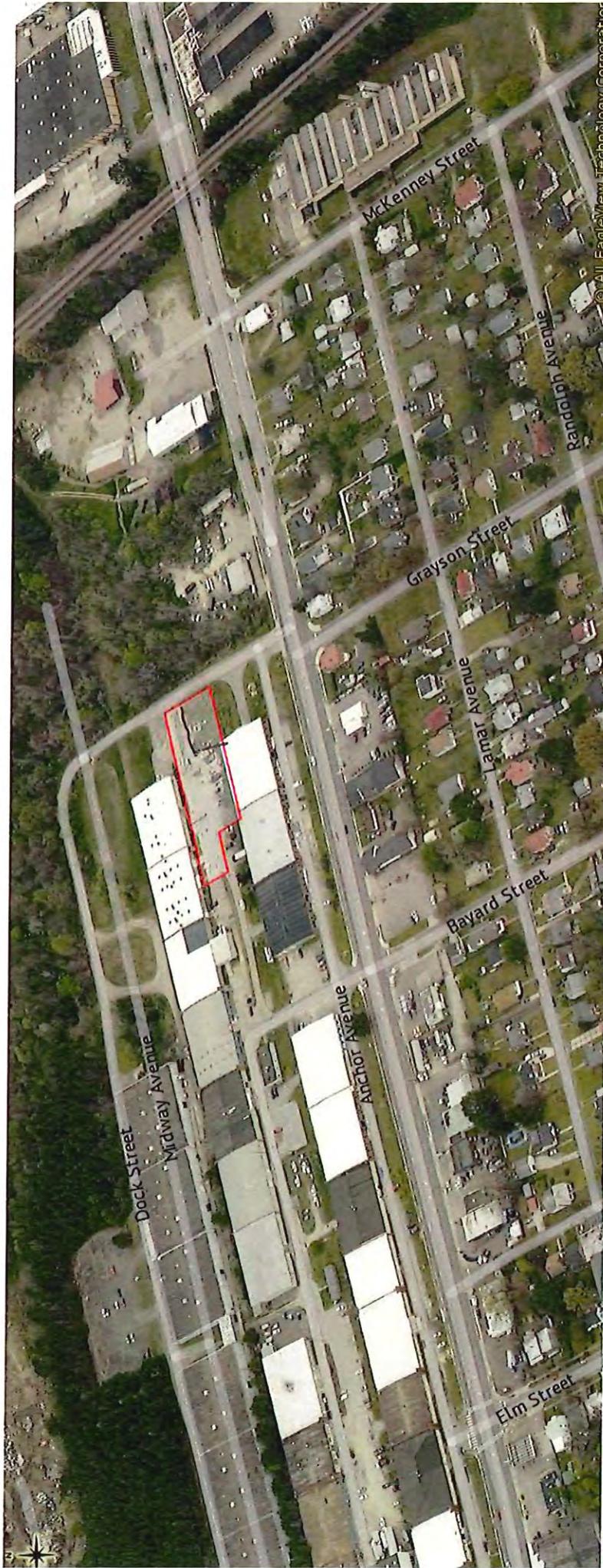
Date of City Council Hearing:

\_\_\_\_\_

City Council Action(s):

\_\_\_\_\_

# Subject Site for Proposed Towing Co



**AN ORDINANCE APPROVING A SPECIAL USE PERMIT (SUP) TO OPERATE A VEHICLE STORAGE AND TOW LOT FOR PROPERTY AT 1700 MIDWAY AVENUE PARCEL IDENTIFICATION NUMBER 028310001 IN THE M-1, LIGHT INDUSTRIAL, ZONING DISTRICT WITH CONDITIONS.**

WHEREAS, the City of Petersburg Zoning Ordinance establishes zoning districts and permitted uses within each district; and

WHEREAS, the property is located at 1700 Midway Avenue, Tax Parcel Number: 028310001; and

WHEREAS, the property is in the M-1, Light Industrial, zoning district; and

WHEREAS, the City received a petition from the owner of Grand Generation, LLC., D. Wyatt, lessee of 1700 Midway Avenue, Tax Parcel Number 028310001. The property is zoned M-1, Light Industrial, District. The applicant seeks a Special Use Permit pursuant to Article 23, Section 4 (20) of the Zoning Ordinance to operate as a vehicle removal operator with vehicle storage lot and tow lot, such to be permitted within the M-1 and M-2 zoning districts only; and

WHEREAS, the proposed use of a towing operator with storage lot falls within the requirements for a SUP under Article 23; and

WHEREAS, the Comprehensive Plan designated the property as Corridor Commercial on the Future Land Use Map, but existing land uses surrounding the property are largely industrial in character and include various automobile service uses; and

WHEREAS, the City Council approves this SUP with conditions as listed below to mitigate potential adverse impacts to surrounding properties and general welfare:

1. All vehicles are to be stored within the confines of the property's fence which shall be enhanced with an opaque cover; no more than 25 vehicles shall be stored on the site at one time
2. The property shall be kept and maintained in a clean, orderly manner and beyond vehicles, no open, outdoor storage is permitted
3. A continuous row of evergreen trees at least six feet in height shall be installed along the portion of the southern property boundary which is visible from West Washington Street.
4. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License
5. Parking spaces for recovered vehicles shall be delineated with painted or plastic striping and paved in accordance with the Zoning Ordinance.
6. No general vehicle repair business shall be operated at the subject premises. There shall be no engine parts, scrap metal, plastic materials, glass/windshields or wasted tires left on the premises of the site. Recovered vehicles shall be removed within a timely manner and not exceed DMV guidelines.
7. Any new owner of the property must certify with the Zoning Administrator that the party will be undertaking the same or like endeavor and that their operation will remain in compliance with the approved Special Use Permit.
8. A permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant(s) to comply with any of the listed conditions or any provision of Federal, State, or local regulations. and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that City Council does hereby approve a Special Use Permit to operate as a vehicle removal operator with vehicle storage and tow lot for property at 1700 Midway Avenue subject to the aforementioned conditions.



# City of Petersburg

## MEMORANDUM

**DATE:** November 2024

**TO:** City Council

**FROM:** Planning and Community Development

**RE:** 2024-SUP-01: A petition from the owner of Grand Generation, LLC., D. Wyatt, leasee, of 1700 Midway Avenue, further identified as Tax Parcel 028310001 for a Special Use Permit pursuant to Article 23, Section 4 (20) of the Zoning Ordinance to operate as a Vehicle removal operator, vehicle storage lot, or vehicle tow in the M-1, Light Industrial District. FUNK LLC is the owner of said property

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### EXECUTIVE SUMMARY

The applicant desires to be allowed to operate his tow service company at the subject property on a 0.865-acre parcel located off W. Washington St and within the "Anchor Industrial Park" addressed as 1700 Midway Avenue. A Special Use Permit is required to operate a towing service per Article 23, Section 4 (20) of the Zoning Ordinance. The subject property is zoned M-1, Light Industrial District and designated as Corridor Commercial on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan. The proposed use, if permitted, will be controlled by the Zoning Ordinance as well as any conditions recommended by Planning Commission and accepted by City Council.

### CHRONOLOGY OF EVENTS:

December 13, 2023 – Staff Received Original Application  
January 11, 2024 – Petition heard at Planning Commission Public Hearing (Recommendation for Approval)  
February 20, 2024 – Petition heard at City Council Public Hearing (Denied)  
August 26, 2024 – Staff Received New Application

### BACKGROUND:

The lot is vacant and fenced where parking can be provided between Anchor and Midway Avenue. Access can also be gained from Armada Avenue. The lot is partially paved. The property has no real vegetative areas apart from the entrance along the right-of-way. It is the request of the applicant/owner to use the existing parcel to accommodate his vehicle towing business within the parameters of the property.

The proposal previously appeared for public hearing at the January 11, 2024 Planning Commission Meeting.

In the previous application, the applicant also stated their intentions to install a fence cover in order to obstruct the site from public view. The site would also include the construction of a small office space. The applicant also stated that he would be towing wrecked cars, impounds, police tows, etc., though specified he would not be doing repossessions. The applicant estimates the total capacity to be around twenty to twenty-five vehicles, but could not be certain.

The Planning Commission unanimously to recommend approval of the request subject to the following conditions:

1. All vehicles are to be stored within the confines of the property's fence.
2. Beyond vehicles, no open, outdoor storage is permitted.
3. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License.

The item was then moved to Public Hearing in front of City Council on February 20, 2024, where it was denied unanimously based on concerns over aesthetics. According to the applicant, he has coordinated with and received feedback from Council members following the denial and would like to have the request heard a second time.

Per Article 23 of the Zoning Ordinance, Council may grant approval of special use permits when the public health, safety, moral and general welfare will not be adversely affected, and provided that necessary safeguards will be provided to protect surrounding property, persons, and neighborhood values.

Please note the property could presently be developed with any use allowed by-right in the M-1 District, including manufacturing, distribution, and freight use.

**ADJACENT ZONING/USES:**

Properties abutting the subject property are also zoned M-1, Light Industrial and the property is immediately adjacent to and surrounded by a number of other automotive operations along the West Washington Street corridor. The property is also part of the Anchor Industrial Park subdivision, which consists primarily of light manufacturing uses but also includes commercial uses and a religious center immediately to the south.

**COMPREHENSIVE PLAN CONSIDERATIONS:**

The subject parcels are identified as Corridor Commercial on the Future Land Use Map of the Comprehensive Plan. The Comprehensive Plan defines these areas as providing goods and services for the community, allowing residents to access amenities without leaving and keeping tax dollars within Petersburg. Typical existing uses include restaurants, indoor entertainment and recreation, and general retail and services and appropriate future development includes hospitality-oriented uses, infill development, large and small commercial, medical clinics, multi-family dwellings, offices, personal services, places of worship, and small-scale manufacturing (e.g. makers' spaces, studios, microbreweries.)

The Comprehensive Plan states “While corridor commercial uses are often automobile oriented, they should be sited so that the principal façade faces the street and should integrate pedestrian and bicycle infrastructure to create a more walkable, vibrant, and connected “Main Street” development pattern. Increased landscaping and adequate lighting should be encouraged, along with infill development within existing surface parking lots.”

The proposed use does not align with the parcel’s future land use designation as the Comprehensive Plan, but it should be noted that the request appears to be in line with the existing zoning as well as the surrounding uses in the industrial park. The Comprehensive Plan’s recommendations regarding Corridor Commercial areas speak largely to properties immediately abutting the street corridor and it’s noteworthy that the subject property is located about 200 feet from West Washington Street meaning visibility of the facilities from the main corridor would be limited.

Please note the property was designated as Commercial/Industrial on the former the Comprehensive Plan which was in place at the time the request was last reviewed.

**PUBLIC INPUT:**

As of the writing of this report, staff have received no telephone calls, emails, or letters in support of or in opposition to the request. The previous application also received no public input from either public hearing.

**RECOMMENDATION:**

Staff and Planning Commission recommend approval of the Special Use Permit subject to the following conditions:

1. All vehicles are to be stored within the confines of the property’s fence which shall be enhanced with an opaque cover; no more than 25 vehicles shall be stored on the site at one time
2. The property shall be kept and maintained in a clean, orderly manner and beyond vehicles, no open, outdoor storage is permitted
3. A continuous row of evergreen trees at least six feet in height shall be installed along the portion of the southern property boundary which is visible from West Washington Street.
4. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License
5. Parking spaces for recovered vehicles shall be delineated with painted or plastic striping and paved in accordance with the Zoning Ordinance.
6. No general vehicle repair business shall be operated at the subject premises. There shall be no engine parts, scrap metal, plastic materials, glass/windshields or wasted tires left on the premises of the site. Recovered vehicles shall be removed within a timely manner and not exceed DMV guidelines.
7. Any new owner of the property must certify with the Zoning Administrator that the party will be undertaking the same or like endeavor and that their operation will remain in compliance with the approved Special Use Permit.
8. A permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicant(s) to comply with any of the listed conditions or any

provision of Federal, State, or local regulations.

Please note additional conditions are suggested based on feedback from Council's denial of the request in February.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **A Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Data Center Uses - Pages 273-324**

**PURPOSE:** To create a use for data centers as well as regulations. Also, to establish a fee for Planning Commission public hearings for new public infrastructure. These hearings are required by Code of Virginia Section 15.2-223.

**REASON:** Due to increased interest in constructing data centers in the City, Planning Commission is recommending a text amendment to ensure the use can be accommodated without adverse impacts on surrounding properties.

**RECOMMENDATION:** Planning Commission and staff recommend approval.

**BACKGROUND:** Data centers are physical locations that store computing machines and their related hardware equipment. They contain the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment. Data center developments commonly include water cooling and storage facilities, substations, generators, and fire suppression and security systems.

Over the last several months, there has been growing interest in the development of data centers on certain properties within the City and the Development Review Team is currently reviewing plans for one facility at 2255 Jamestown Drive. Data centers are not currently a listed use in the Zoning Ordinance and have been viewed in the past as comparable to general warehousing uses, but these facilities do have certain unique characteristics that warrant specific attention.

Data centers can be beneficial for localities, particularly in the way of economic development as they attract business, diversify the economy, and increase government revenue through property, real estate, and machine and equipment taxes. Property values in areas surrounding data centers generally increase and data centers provide specialized career opportunities. Data centers can also result in infrastructure investment and have a lower impact on existing streets relative to other industrial uses.

In addition to the local benefits associated with data centers, there are also some adverse impacts associated with the use. These include high noise levels from servers, cooling systems, ventilation systems, and generators. Data centers also create large demands for energy and can require new electrical infrastructure such as substations to support the uses. Data centers produce high levels of heat due to the amount of energy required to store and process the information inside the facility, which leads to a need for cooling systems. The cooling systems are often water-based, which can be a burden on existing utilities and services if potable water is being used. Data centers have certain visual impacts due to their scale and often feature bulky, flat walls as well as security fencing with anti-intrusion features.

Data centers are generally appropriate in industrially zoned areas, but it should be noted that the City has a considerable amount of industrial zoning which borders incompatible zones and uses such as residential or parkland. The proposed text amendment aims to maximize benefits to the City by allowing for data centers but ensuring they are appropriately located and any adverse impacts on surrounding properties can be reasonably mitigated.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 1. 24-ZTA-07 Memo
2. 2. Data Centers
3. 3. Ordinance 24-ZTA-07
4. 4. Tracked Changes - Combined



## City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

# MEMORANDUM

**DATE:** November 2024

**TO:** City Council

**FROM:** Planning Commission

**RE:** 2024-ZTA-07: Consideration of a resolution recommending amendment and readoption of Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to data center uses.

## EXECUTIVE SUMMARY

Due to increased interest in constructing data centers in the City, Planning Commission is recommending a text amendment to ensure the use can be accommodated without adverse impacts to surrounding properties. The proposed amendment will include definitions, clarification of where data centers are allowed, and development standards specific to data center uses.

## CHRONOLOGY OF EVENTS

1. May-October 2024 – The City has received several inquiries about the construction of data centers in the City, including plans for a data center at 2255 Jamestown Drive.
2. September 5, 2024 – Staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.

## BACKGROUND

Data centers are physical locations that store computing machines and their related hardware equipment. They contain the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment. Data center developments commonly include

water cooling and storage facilities, substations, generators, and fire suppression and security systems.

Over the last several months, there has been growing interest in the development of data centers on certain properties within the City and the Development Review Team is currently reviewing plans for one facility at 2255 Jamestown Drive. Data centers are not currently a listed use in the Zoning Ordinance and have been viewed in the past as comparable to general warehousing uses, but these facilities do have certain unique characteristics that warrant specific attention.

Data centers can be beneficial for localities, particularly in the way of economic development as they attract business, diversify the economy, and increase government revenue through property, real estate, and machine and equipment taxes. Property values in areas surrounding data centers generally increase and data centers provide specialized career opportunities. Data centers can also result in infrastructure investment and have a lower impact on existing streets relative to other industrial uses.

In addition to the local benefits associated with data centers, there are also some adverse impacts associated with the use. These include high noise levels from servers, cooling systems, ventilation systems, and generators. Data centers also create large demands for energy and can require new electrical infrastructure such as substations to support the uses. Data centers produce high levels of heat due to the amount of energy required to store and process the information inside the facility, which leads to a need for cooling systems. The cooling systems are often water-based, which can be a burden on existing utilities and services if potable water is being used. Data centers have certain visual impacts due to their scale and often feature bulky, flat walls as well as security fencing with anti-intrusion features.

Data centers are generally appropriate in industrially zoned areas, but it should be noted that the City has a considerable amount of industrial zoning which borders incompatible zones and uses such as residential or parkland. The proposed text amendment aims to maximize benefits to the City by allowing for data centers but ensuring they are appropriately located and any adverse impacts on surrounding properties can be reasonably mitigated.

**Proposed Changes:**

Firstly, the proposed text amendment would define a data center as *“an establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited to, air handlers, water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.”*

Planning Commission is recommending that data centers be allowed by-right in both the M-1, Light Industrial District and M-2, Heavy Industrial District subject to certain conditions aimed at minimizing impacts to surrounding properties, particularly residential properties. The proposed

regulations were drafted based on guidance from other localities in the State as well as feedback from potential developers of data centers within the City.

The following provisions are proposed for data centers in both districts:

- If a data center use adjoins residential property or a public park:
  - Primary structures would have to be set at least 100 feet from the shared boundary with the residence or park.
  - A vegetated buffer including a berm, trees, and shrubs is required along the shared boundary with the residence or park; the width of the buffer will vary based on overall greenspace on the site.
  - Pre-construction and post-construction noise studies would be required; if noise levels exceed permitted noise in the residential district/park, mitigation measures would be required.
- Cooling systems would be required to use recycled water rather than potable water.

The following provisions would only apply in the M-1, Light Industrial District:

- Ground and roof-mounted mechanical equipment would need to include sound muffling materials.
- Fencing that includes barbed wire or other visible anti-intrusion devices must be 35 feet from public street.

The proposed text amendment would also allow a developer to request a Special Use Permit to for the construction of a data center on M-1 or M-2 zoned property unable to accommodate the requirements listed above. This would allow for case-by-case review of sites that still may be able to effectively mitigate negative impacts, but not meet all of the development standards.

Additionally, the proposed text amendment would introduce a fee for reviews required by Code of Virginia Section 15.2-2232 pertaining to new public infrastructure when those reviews require a public hearing. As the City sees more requests for data centers, it is likely that there will also be more requests to review proposed substation locations.

## **COMPREHENSIVE PLAN CONSIDERATIONS**

The PetersburgNEXT Comprehensive plan is supportive of attracting new and desirable industry and points to benefits like a diversified economy and job creation. Strategies include identifying and targeting prospective businesses and finding opportunities for future investment. It goes on to recommend working with developers to provide utility and infrastructure improvements where needed, which can be an effect of allowing data centers.

The Plan also calls for siting industry in appropriate areas and integrating environmentally friendly development practices when possible. There is emphasis on providing appropriate setbacks and screening along property lines adjacent to residential development.

In all, the Plan encourages providing maximum benefits for employers, the City, and the community. This can be accomplished through the balance of allowing data center development, but ensuring it is line with maintaining the health and welfare of City residents.

**RECOMMENDATION:** Staff and Planning Commission recommend approval of the text amendment.

CITY COUNCIL  
MEETING

NOVEMBER  
2024



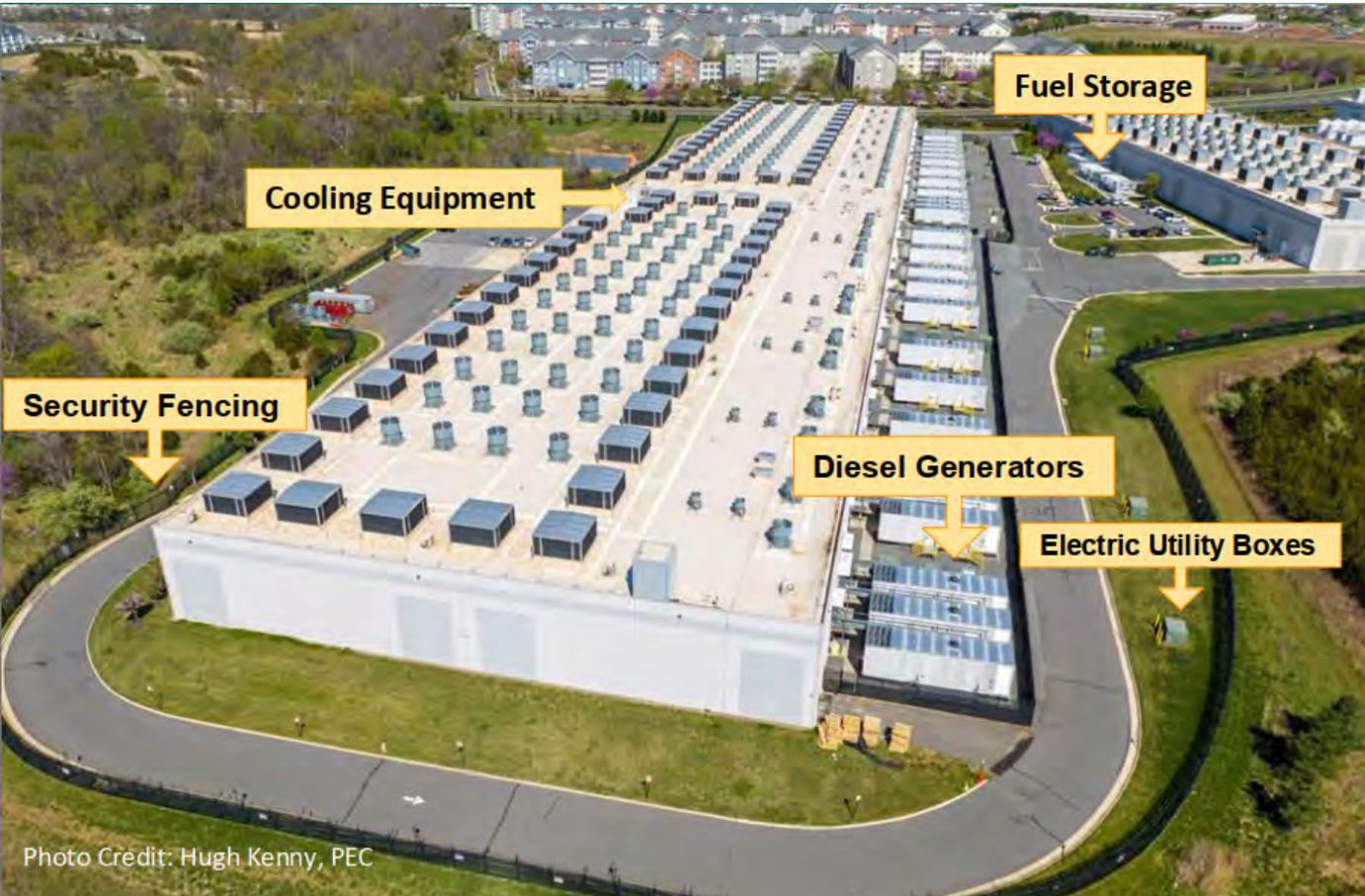
# 2024-ZTA-07:

Consideration of an ordinance amending and readopting Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to data center uses.

# Background

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- Data Center - a physical location that stores computing machines and their related hardware equipment. It contains the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment.
- Prevalent in Northern Virginia, increasingly common in rural areas and small towns/cities.
- Interest in several sites in Petersburg.
- Not a listed use in Zoning Ordinance.



# Overview

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## Components of the proposed amendment

- A. Define data center use
- B. Stipulate when and where use is permitted by-right and with special use permit
- C. Specify design standards for data center use
- D. Introduce fee for “Substantial Accord” reviews when public hearing is required

# Benefits of Data Centers

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- Economic Development
  - Attract business
  - Diversify industrial economy
  - Increase in property value
  - Tax Generation (property, real estate, machine)
  - Job creation throughout process
  - Skill and career training
- Investment in Infrastructure
- Lower impact on existing streets

# Data Center Impacts

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- Noise
- Energy Demands
- Heat Generation
- Water Consumption
- Aesthetics

# Definition

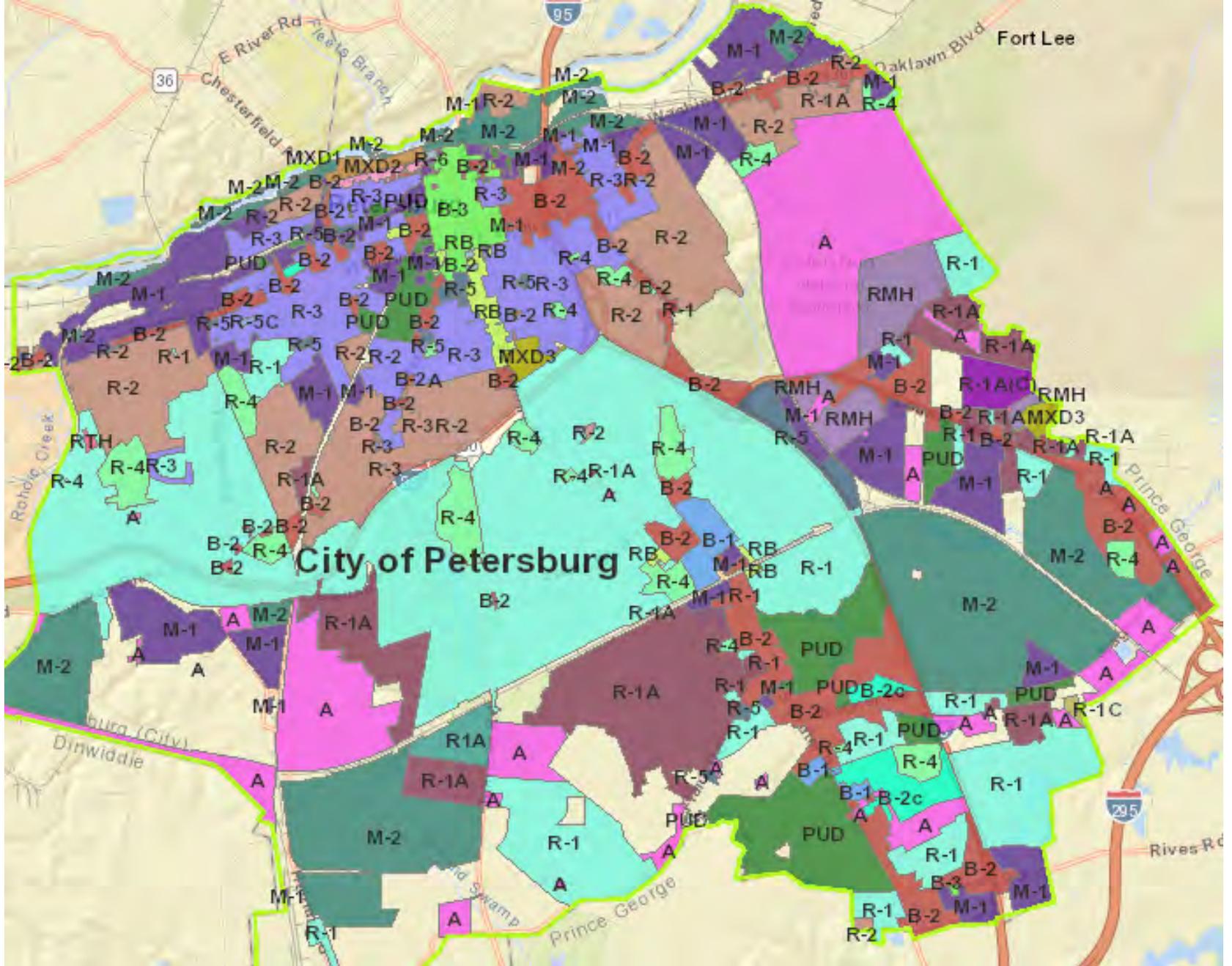
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An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited to, air handlers, water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.

# Where/How Permitted

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- Development standards are proposed to offset potential adverse impacts.
- Data centers to be allowed by-right in the M-1, Light Industrial and M-2, Heavy Industrial Districts if all development standards can be met .
- If all standards can't be met, a Special Use Permit can be applied for in the M-1 or M-2 Districts.



# Development Standards

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- If data center abuts residential property or public park:
    - Increased setbacks of 100 feet for primary structures
    - Vegetated buffer consisting of berm and mixed plantings required along shared boundary (buffer size varies based on total greenspace on site)
    - Pre and Post-construction noise studies required; possibly additional noise mitigation
  - Sound mitigation to be used for mechanical equipment\*
  - Barbed wire/anti-intrusion fencing to be setback from public street\*
  - Closed-loop water reuse systems to be employed for water-based cooling
- \*Standard only applies in M-1, Light Industrial District

# Substantial Accord Reviews

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- Required in accordance with Code of Virginia Section 15.2-2232.
- If public facility or utility infrastructure (e.g. street or substation) is not identified on Comprehensive Plan, Planning Commission must review location, character, and extent thereof.
- \$500 fee to cover cost of advertisement and property owner notifications **IF public hearing is required.**

# Key Considerations

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Comprehensive Plan supports attracting industry, but emphasizes adequate infrastructure and mitigation of environmental impacts.

Industrial zoning districts in the City are not concentrated; primary focus of standards is impact on surrounding properties when uses/districts are incompatible.

Special use permit process allows for case-by-case review of sites with unique characteristics.

# Recommendation

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- Staff recommends approval.
- Planning Commission recommends approval.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to data center uses.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

**AN ORDINANCE TO APPROVE AMENDING AND READOPTING ARTICLE 3. – DEFINITIONS, ARTICLE 17. – M-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS, ARTICLE 18. – M-2 HEAVY INDUSTRIAL DISTRICT REGULATIONS, ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES, AND ARTICLE 31. – PERMITS, PLATS, AND FILING FEES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO DATA CENTER USES**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3. – Definitions, Article 17. – M-1 Light Industrial District Regulations, Article 18.- Heavy Industrial District Regulations, Article 23 – Supplementary Use Regulations – Special Uses, and Article 31. – Permits, Plats, and Filing Fees which deal with land uses in the City and regulation of such uses; and

WHEREAS, data centers are an emerging land use in the City with economic benefits as well as certain unique impacts such as noise and utility demand and these uses commonly require new utility infrastructure; and

WHEREAS, the Zoning Ordinance does not currently define data centers or list them as a permitted use with development standards; and

WHEREAS, City Council is supportive of explicitly allowing data centers as a by-right use in the City's Industrial Districts subject to certain regulations to mitigate adverse impacts to surrounding properties, particularly properties used for residential purposes and public parks; and

WHEREAS, the City Council supports allowing data centers subject to a Special Use Permit where industrial-zoned properties are not able to meet all aforementioned regulations; and

WHEREAS, the City Council supports introducing a review fee for requests to review public utilities for conformance with the City's Comprehensive Plan per Title 15.2-2232 of the Code of Virginia, as amended, when such a review requires a public hearing; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions, Article 17. – M-1 Light Industrial District Regulations, Article 18.- Heavy Industrial District Regulations, Article 23 – Supplementary Use Regulations – Special Uses, and Article 31. – Permits, Plats, and Filing Fees as indicated in Exhibit A.

## ARTICLE 3. - DEFINITIONS

### Section 1. - General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. No. 94-140, 11-15-1994)

### Section 2. - Definitions.

*Abattoir.* A commercial slaughterhouse.

*Accessory building.* An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

*Accessory use.* An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

*Adult book store.* A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

*Adult entertainment establishment.* A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

*Adult motion picture theater.* A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or "specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are

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restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

*Adult video store.* A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

*Alley.* A public way which affords only a secondary means of access to property abutting thereon.

*Alteration.* Any change in the total floor area, use, adaptability or external appearance of an existing structure.

*Alternative financial institution.* Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

*Apartment.* A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

*Apartment house.* Same as "dwelling, multiple-family."

*Assisted living facility.* A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

*Automobile.* A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

*Automobile self-service station.* Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

*Automobile service station.* Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing of oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

*Basement.* That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

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*Bed-and-breakfast inn.* A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

*Boardinghouse.* A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

*Breezeway.* A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

*Building.* Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

*Building, height of.* The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

*Buildable width.* The width of that part of a lot not included within the open space herein required.

*Child-care center.* A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

*Clinic.* An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

*Club.* Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which insures to any individual, and not primarily to render a service which is customarily carried on as a business.

*Conditional zoning.* As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

*Commission.* The planning commission of the City of Petersburg.

*Court.* An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

*Data Center.* An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited to, air handlers,

water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.

*District.* Any section of the City of Petersburg within which the zoning regulations are uniform.

*Drive-in restaurant.* A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

*Driveway.* The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

*Dwelling.* Any building, or portion thereof: designed or used for residential purposes.

*Dwelling, single-family.* A building designed for use, or occupied exclusively, by one family.

*Dwelling, two-family.* A building designed for, or occupied exclusively, by two families living independently of each other.

*Dwelling, multiple-family.* A building designed for, or occupied exclusively, by three or more families living independently of each other.

*Dwelling, townhouse.* One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

*Dwelling unit.* A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

*Family.* One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

*Family day-care home.* Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

*Floor area.* The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

*Frontage.*

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

*Garage, private.* An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [, such vehicle] of not more than two tons capacity.

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*Garage, storage or parking.* A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

*Gasoline service station.* Same as automobile self-service station.

*Grade.*

- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

*Group home.* As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

*Guesthouse.* Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

*Hospital.* A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

*Hotel, motel.* An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

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*Live entertainment.* An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

*Loading space.* A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

*Lodging house.* Same as "boardinghouse."

*Lot.* A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

*Lot, area.* The total horizontal area within the lot lines of the lot.

*Lot, corner.* A lot abutting upon two or more streets at their intersection.

*Lot, depth of.* The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

*Lot, interior.* A lot whose side line or lines do not abut upon any street.

*Lot, through.* An interior lot having frontage on two streets.

*Lot of record.* A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

*Lot, width.* The distance between the side lot lines measured at the required front yard line.

*Micro-brewery, micro-distillery, micro-winery and/or micro-cidery.* A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

*Mini-storage facility, mini-warehouse, or self-storage facility.* A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

*Mobile food unit.* A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

*Mobile home.* An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

*Mobile home park.* Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

*Mobile home space.* A plot of ground within a mobile home park designed for accommodation for one mobile home.

*Mobile home subdivision.* Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

*Modular home or unit.* An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and

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transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

*Nightclub.* An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- (2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (4) The establishment shall maintain a current, active business license at all times while in operation.
- (5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- (6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

*Nonconforming use.* Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

*Parking space, off-street.* An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

*Premises.* A lot, together with all buildings and structures thereon.

*Private club.* An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

*Private nursery school.* A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

*Private plaza.* A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

*Proffer.* A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

*Recreational Substances.* Recreational substances includes the following:

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- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

*Recreational Substances Retail, Off-Site Use.* Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

*Recreational Substances Retail, On-Site Use.* Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

*Restaurant.* An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

*Restaurant, carry out.* An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

*Restaurant, coffee or ice cream shop.* A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

*Rooming house.* Same as "boardinghouse."

*Sign.* A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

*Sign area.* That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

*Sign, flashing.* Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

*Sign, illuminated.* Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

*Small box discount store.* Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

*Solar panel, small.* Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.22288.7.

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*Solar farm.* Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

*Specified anatomical area.* As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

*Stand-alone used vehicle sales.* A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

*Stand-alone vehicle repair shop.* A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

*Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

*Story, half.* A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

*Street.* A public thoroughfare which affords the principal means of access to abutting property.

*Street line.* A dividing line between a lot, tract, or parcel of land and a contiguous street.

*Structure.* Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

*Structural alterations.* Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*Tourist court, auto court.* Same as "motel."

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*Tractor-trailer.* A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

*Tractor-trailer service station or truck stop.* Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

*Trailer park, auto trailer camp or mobile home court.* That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

*Travel trailer.* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

*Truck.* A vehicle with a gross weight of more than five tons.

*Vehicle demolisher.* Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

*Vehicle rebuilder.* Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

*Vehicle removal operator.* Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

*Vehicle salvage dealer.* Any person who acquires any vehicle for the purpose of reselling any parts thereof.

*Vehicle tow lot or storage lot.* The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

*Yard.* An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

*Yard, front.* A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

*Yard, rear.* A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

*Yard, side.* A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

## ARTICLE 17. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

### Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "M-1" Light Industrial District. This district is intended primarily for light manufacturing, fabricating, warehousing and wholesale distributing, in low buildings, with off-street loading, and off-street parking for employees, and with access by major streets or railroads, in either central or outlying locations.

### Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" General Commercial District, except dwellings, hospitals, institutions, or other buildings used for permanent or temporary housing of persons, except as described in (a) and (b) of this subsection, below:
  - (a) Dwellings for resident watchmen and caretakers employed on the premises;
  - (b) Accessory farm dwellings on a farm of ten (10) acres or more;
- (2) The following uses, and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted; such permitted uses being generally wholesale and retail trade, service industries, light industries that manufacture, process, store and distribute goods and materials and are, in general, dependent on raw materials refined elsewhere, and manufacture, compounding, processing, packaging or treatment, as specified, of the following products or similar products:

*Chemicals, petroleum, coal and allied products.*

- Cosmetics and toiletries;
- Ice manufacture, including dry ice; Ink manufacture (mixing only);
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds;
- Laboratories;
- Perfumes and perfumed soap (compounding only);
- Pharmaceutical products;
- Soap, washing, cleaning, powder or soda (compounding only).

*Clay, stone and glass products.*

- Clay, stone and glass products;
- Concrete products (except central mixing and proportioning plant);
- Pottery and porcelain products (electric or gas fired).

*Food and beverages.*

- Bakery products, wholesale (manufacturing permitted);
- Beverage blending, bottling (all types);
- Candy, wholesale (manufacturing permitted);

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Chewing gum;  
Chocolate, cocoa and cocoa products;  
Coffee, tea and spices processing and packaging;  
Condensed and evaporated milk processing and canning;  
Creamery and dairy operations;  
Dairy products;  
Fish, shrimp, oyster and other seafood processing, packing and storing, except fish curing;  
Flour, feed and grain (packaging, blending and storage only);  
Fruit and vegetable processing (including canning, preserving, drying and freezing);  
Gelatin products;  
Glucose and dextrine;  
Grain blending and packaging, but not milling;  
Ice cream, wholesale (manufacturing permitted);  
Macaroni and noodle manufacture;  
Malt products manufacture (except breweries);  
Meat products, packing and processing (no slaughtering);  
Oleomargarine (compounding and packaging only);

*Metals and metal products.*

Agriculture or farm implements;  
Aircraft and aircraft parts;  
Aluminum extrusion, rolling, fabrication and forming;  
Automobile, truck trailer, motorcycle and bicycle assembly;  
Boat manufacture (vessels less than five (5) tons);  
Bolts, nuts, screws, washers and rivets;  
Container (metal);  
Culvert;  
Firearms;  
Foundry products manufacture (electrical only);  
Heating, ventilating, cooking and refrigeration supplies and appliances;  
Iron (ornamental) fabrication;  
Machinery manufacture;  
Nails, brads, tacks, spikes and staples;  
Needle and pin;  
Plating, electrolytic process;

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Plumbing supplies;  
Scale and fault;  
Sheet metal products;  
Silverware and plated ware;  
Stove and range;  
Tool, die, gauge and machine shops;  
Tools and hardware products;  
Vitreous enameled products.

*Textiles, fibers and bedding.*

Bedding (mattress, pillow and quilt);  
Carpet, rug or mat;  
Hat bodies of fur and wool felt (including men's hats) manufacture;  
Hosiery mill;  
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods;  
Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing);  
Yam, threads and cordage.

*Wood and paper products.*

Basket and hamper (wood, reed, rattan, etc.);  
Box and crate;  
Cooperage works (except cooperage stock mill);  
Furniture (wood, rattan, reed, etc.);  
Pencils;  
Planning and millwork;  
Pulp goods, pressed or molded (including papier mache products);  
Shipping container (corrugated board, fiber or wire bound);  
Trailer, carriage and wagon;  
Wood products.

*Unclassified uses.*

Animal pound;  
Animal, poultry and bird raising, commercial;  
Building materials (cement, lime (in bags or containers), sand, gravel, shell, lumber and the like) storage and sales;  
Carbon paper and inked ribbons manufacture;  
Cigar and cigarette manufacture;

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Cleaning and dyeing of garments, hats and rugs;  
Exposition building or center;  
Fairgrounds;  
Fur finishing;  
Greenhouses, wholesale;  
Industrial vocational training school, including internal combustion engines;  
Kennels;  
Laboratories, research experimental, including combustion-type motor testing;  
Leather goods manufacture, but not including tanning operations;  
Laundries;  
Livery stables and riding academy;  
Market, wholesale;  
Motion picture production;  
Ophthalmic goods;  
Plastic fabrications;  
Printing, publishing and engraving;  
Produce and storage warehouse;  
Railroad switching yard primarily for railroad service in the district;  
Theater, including a drive-in or outdoor theater;  
Tobacco products, processing, storage and treatment;  
Truck or transfer terminal, freight;  
Wholesale houses and distributors.

(3) Data Centers, subject to the following conditions:

- a. All principal structures shall be set back at least one hundred (100) feet from any property line abutting a property used or zoned for residential purposes or a public park;
- b. A vegetated buffer fifty (50) feet in width shall be required along any property line abutting or across a road from a property used or zoned for residential purposes or a public park; for sites on which seventy (70) percent or more of the existing open space or vegetated area is cleared for the development, the buffer shall be a minimum of one hundred (100) feet in width;
  1. The buffer shall consist of an earthen berm that has a minimum height of six (6) feet and a slope not steeper than two-to-one (2:1) with plantings including a combination of large and understory deciduous trees, large and small evergreen trees, and ornamental trees and shrubs at a rate of one hundred and twenty (120) plants per one hundred (100) linear feet; a minimum of forty (40) percent of the plantings shall be large evergreen trees on minimum 20-foot centers and no more than twenty (20) percent of the plantings shall be shrubs.

2. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Planning Director to provide visual screening equivalent to the buffer yard with earthen berm.
- c. For sites that abut property used or zoned for residential purposes or a public park, the following noise studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development;
  1. A pre-construction study shall be submitted at the time of site plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
  2. A post-construction study of noise conditions at the time of operations shall be submitted at least one (1) month but no more than twelve (12) months. after the issuance of the first Certificate of Occupancy for the development.
  3. Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in Chapter 50, Section 50-36 of the City Code as measured at the boundary abutting a property used or zoned for residential purposes or a public park , noise mitigation measures shall be required to secure conformance. Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the site plan. The Zoning Administrator has the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.
- d. All mechanical equipment, both on ground and roof-mounted equipment, shall be attenuated through sound mitigation measures including, but not limited to, sound muffling materials;
- e. Fencing of the property is permitted, provided that fencing within thirty-five (35) feet of a public street does not include barbed wire or other similar visible intrusion deterrence devices;
- f. Closed-loop systems shall be utilized if water-based cooling is employed for the facility. This requirement may be waived or amended by the Director of Public works.

### **Section 3. Height, area and bulk regulations.**

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) There shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district;
- (3) Whenever any building in the "M-1" Light Industrial District adjoins or abuts upon a residential district, such building shall not exceed two (2) stories nor thirty-five (35) feet in height, unless it is set back one foot from all required yard lines for each one foot of additional height above thirty-five feet.

**Section 4. Reference to additional regulations.**

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following: Article 19, Off-street parking regulations; Article 20, Off-street loading regulations; Article 23, Supplementary use regulations; Article 25, Supplementary height, area and bulk regulations.

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## ARTICLE 18. "M-2" HEAVY INDUSTRIAL DISTRICT REGULATIONS

### Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "M-2" Heavy Industrial District. This district provides for industrial operations of all types, except that certain potentially hazardous industries are permitted only after public hearing and review, to assure protection of the public interest and surrounding property and persons.

### Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

1. Any manufacturing, processing, storing or distributing use permitted in the "M-1" Light Industrial District;
2. Dwellings for resident watchmen and caretakers employed on the premises;
3. Accessory farm dwellings, on a farm often (10) acres or more;
4. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sales of products raised on the premises; but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises;
5. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted; and manufacture, compounding, processing, packaging, or treatment of the following products or similar products:

*Chemicals, petroleum, coal and allied products.*

Adhesives;

Alcohol;

Bleaching products;

Bluing;

Calcimine;

Candle;

Cleaning and polishing preparations (nonsoap) dressings and blackings;

Dye-stuff;

Essential oils;

Exterminating agents and poisons;

Fertilizer (nonorganic);

Fuel briquettes;

Glue and size (vegetable);

Ink manufacture from primary raw materials (including colors and pigments);

Soap and soap products.

*Clay, stone and glass products.*

Abrasive wheels, stones, paper, cloth and related products;  
Asbestos products;  
Brick, fire brick and clay products;  
Concrete central mixing and proportioning plant;  
Glass and glass products;  
Graphite and graphite products;  
Monument and architectural stone;  
Pottery and porcelain products (coal-fired);  
Refractories (other than coal-fired);  
Sand-lime products;  
Wallboard and plaster, building, insulation and composition flooring.

*Food and beverage.*

Casein;  
Cider and vinegar;  
Distilleries (alcoholic), breweries and alcoholic spirits (nonindustrial);  
Flour, feed, and grain milling and storage;  
Molasses;  
Oils, shortenings, and fats (edible) and storage;  
Pickles, vegetable relish and sauces;  
Rice cleaning and polishing;  
Sauerkraut;  
Sugar refining; Rubber tire and tube;  
Shell grinding;  
Storage batter (wet cell).

*Unclassified uses.*

Accessory advertising device giving the name of the industry or advertising products manufactured on the premises;  
Bag cleaning;  
Coal pocket;  
Railroad switching and classification yard, roundhouse, repair and overhaul shops;  
Oils, vegetable and animal (nonedible), and storage;  
Paint, lacquer, shellac, and varnish (including colors and pigments, thinners and removers);  
Roofing materials, building paper and felt (including asphalt and composition);

Salt tanning materials and allied products;  
Tar products.

6. Data Centers, subject to the following conditions:

- a. All principal structures shall be set back at least one hundred (100) feet from any property line abutting a property used or zoned for residential purposes or a public park;
- b. A vegetated buffer fifty (50) feet in width shall be required along any property line abutting or across a road from a property used or zoned for residential purposes or a public park; for sites on which seventy (70) percent or more of the existing open space or vegetated area is cleared for the development, the buffer shall be a minimum of one hundred (100) feet in width;
  1. The buffer shall consist of an earthen berm that has a minimum height of six (6) feet and a slope not steeper than two-to-one (2:1) with plantings including a combination of large and understory deciduous trees, large and small evergreen trees, and ornamental trees and shrubs at a rate of one hundred and twenty (120) plants per one hundred (100) linear feet; a minimum of forty (40) percent of the plantings shall be large evergreen trees on minimum 20-foot centers and no more than twenty (20) percent of the plantings shall be shrubs.
  2. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Planning Director to provide visual screening equivalent to the buffer yard with earthen berm.
- c. For sites that abut property used or zoned for residential purposes or a public park, the following noise studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development;
  1. A pre-construction study shall be submitted at the time of site plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
  2. A post-construction study of noise conditions at the time of operations shall be submitted at least one (1) month but no more than twelve (12) months after the issuance of the first Certificate of Occupancy for the development.
  3. Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in Chapter 50, Section 50-36 of the City Code as measured at the boundary abutting a property used or zoned for residential purposes or a public park, noise mitigation measures shall be required to secure conformance. Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the site plan. The Zoning Administrator has the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.

- d. Closed-loop systems shall be utilized if water-based cooling is employed for the facility. This requirement may be waived or amended by the Director of Public works.

### **Section 3. Objectionable uses.**

The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if no in conflict with any law or ordinance in the City of Petersburg or State of Virginia, be located in the "M-2" Heavy Industrial District, only after the location and nature of such use shall have been approved by the city council after public hearing. The planning commission shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The planning commission, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety:

#### *Metal and metal products.*

- Boat manufacture (over five (5) tons);
- Boiler manufacture (other than welded);
- Brass and bronze foundries;
- Forge plant, pneumatic, drop and forging hammering;
- Foundries;
- Galvanizing or plating (hot dip);
- Lead oxide;
- Locomotive and railroad car building and repair;
- Motor testing (internal combustion motors);
- Ore dumps;
- Shipyards;
- Structural iron and steel fabrication;
- Wire rope and cable.

#### *Textiles, fibers and bedding.*

- Bleachery;
- Cotton wadding and linter;
- Hair and felt products, washing, curing, dyeing;
- Jute, hemp and sisal products;
- Linoleum and other surface floor covering (except wood);
- Nylon;
- Oilcloth, oil-treated products and artificial leather;
- Rayon;
- Shoddy;

Wool pulling or scouring.

*Wood and paper products.*

Charcoal and pulverizing;

Excelsior;

Paper and paperboard (from paper machine only);

Sawmill (including cooperage stock mill);

Wallboard;

Wood preserving treatment.

*Unclassified industries.*

Leather tanning and curing;

Rubber (natural or synthetic), gutta percha, chicle and balata processing.

*Chemicals, petroleum, coal and allied products.*

Acids and derivatives;

Acetylene, generation and storage;

Ammonia;

Caustic soda;

Cellulose and cellulose storage;

Chlorine;

Coke oven products (including fuel gas);

Creosote;

Distillation, manufacture or refining of coal, tar asphalt, wood and bones;

Explosives (including ammunition and fireworks) and explosives storage;

Fertilizer (organic);

Fish oils and meal; Glue, gelatin (animal);

Hydrogen and oxygen;

Lamp black, carbon black and bone black;

Nitrating of cotton or other materials;

Nitrates (manufactured or natural) of an explosive nature, storage;

Petroleum, gasoline and lubricating oil;

Plastic materials and synthetic resins;

Potash;

Pyroxylin;

Rendering and storage of dead animals, offal, garbage or waste products;

Turpentine and resin.

*Clay, stone and glass products.*

Brick and firebrick refractories and clay products (coal-fired);  
Cement, lime, gypsum, or plaster of Paris;  
Minerals and earths: quarrying, extracting, grinding, crushing and processing.

*Food and beverage.*

Fat rendering;  
Fish curing;  
Slaughtering of animals;  
Starch manufacture.

*Metals and metal products.*

Aluminum powder and paint manufacture;  
Blast furnace, cupolas;  
Blooming mill;  
Metal and metal ores, reduction, refining, smelting and alloying;  
Scrap metal reduction;  
Steel works and rolling mill (ferrous).

*Wood and paper products.*

Match manufacture;  
Wood pulp and fiber, reduction and processing.

*Unclassified industries and uses.*

Cotton ginning;  
Cotton seed oil refining;  
Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage; Shell dredging;  
Stockyard.

**Section 4. Height, area and bulk regulations.**

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) There shall be a side yard not less than twenty-five (25) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than twenty-five (25) feet in depth on the rear of a lot adjoining a residence district;
- (3) Grain elevators, gas holders, coal bunkers, oil cracking towers and other similar structures may exceed one hundred twenty-five (125) feet in height, but whenever any building or structure in the "M-2" Heavy Industrial District adjoins or abuts upon a residence district, such building or structure shall not

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exceed fifty (50) feet in height, unless set back one foot from all required yard lines for each foot of additional height above fifty (50) feet.

**Section 5. Reference to additional regulations.**

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following: Article 19, Off-street parking regulations; Article 20, Off-street loading regulations; Article 23, Supplementary use regulations; Article 25, Supplementary height, area and bulk regulations.

## ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

### **Section 1. [Procedure for obtaining special use permit.]**

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

### **Section 2. [Qualification of nonconforming use as special use.]**

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

### **Section 3. [Additions or alterations to special uses.]**

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

### **Section 4. Special uses enumerated.**

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;
- (6) Public or government buildings;
- (7) Hospitals or sanitariums;

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- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
  - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
  - (b) One-half (½) off-street parking space per sleeping room;
  - (c) Resident-manager on premises;
  - (d) Permitted sign area not to exceed two (2) square feet;
  - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.

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- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
  - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
  - b. No exterior alterations to the residence;
  - c. Not transferable;
  - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
  - e. No more than two (2) employees;
  - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
  - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.
- (39) Data centers which cannot meet the standards of Article 17 Section 2.3 or Article 18 Section 2.6, such to be permitted within the M-1 and M-2 Districts only.

**Section 4.1. Special use permits for communication towers; criteria and procedures.**

- (1) *Definitions.*
  - a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
  - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
  - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.
- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
  - a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
  - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
  - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
  - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the

City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.

- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

#### **Section 5. [Restrictions upon accessory buildings, cellars and basements.]**

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

## ARTICLE 31. PERMITS, PLATS, AND FILING FEES

### Section 1. Permits.

No building shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners having obtained a building permit therefor from the building inspector; such permit shall require conformity with the provisions of this ordinance. When issued, such permit shall be valid for a period of six (6) months.

No building permit by the building inspector, lawfully issued prior to the effective date of this ordinance or of any amendment hereto, and which permit by its own terms and provisions is in full force and effect at said date, shall be invalidated by the passage of this ordinance or any such amendment; but shall remain a valid and subsisting permit subject only to its own terms and provisions, and ordinances, rules, and regulations appertaining thereto and in effect at the time of the issuance of said permit; provided, that all such permits shall expire not later than sixty (60) days from the effective date of this ordinance, unless actual construction shall have theretofore begun and continued, pursuant to the terms of said permit.

## Section 2. Plats.

All applications for building permits shall be accompanied by a drawing or plat, in duplicate, or as required by the building inspector, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and other such information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor, and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the building inspector, and a duplicate copy shall be kept at the building at all times during construction.

## Section 3. [Filing Fees.]

(1) Fee schedule:

Home occupation permits: \$50.00

Zoning permits: \$50.00

Zoning confirmation letters: \$100.00 (\$500.00 expedited)

Site plans: \$800.00 + \$50.00 for every acre or part thereof disturbed more than one acre

Site plan re-review: \$250.00

DMV zoning confirmation: \$100.00

Temporary sign permit: \$75.00

Permanent signs: \$150.00

Zoning ordinance amendment: \$1,500.00

Rezoning: \$1,500.00

Special use permit: \$1,500.00

Plan amendments: \$1,500.00

Variance: \$500.00

Appeal of zoning administrator: \$500.00

Special exception: \$500.00

**Substantial Accord Review per Code of Virginia Section 15.2-2232: \$500 if Public Hearing is required**

- (2) The submission of fees at the time of application and the payment of fees prior to application is required.
- (3) Prior to the initiation of an application any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** March Altman, Jr.

**RE:** **A Public Hearing of an Ordinance to Amend and Readopt Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Administrative Clarifications on Development of Contiguous Nonconforming Lots Under Common Ownership and Requirements for Public Notice - Pages 325-260**

**PURPOSE:** To align notice requirements for zoning items with the State Code in Article 28 and to clarify code language in Article 25, Section 3.6 pertaining to the ability to develop single-family homes on non-conforming lots.

**REASON:** City Council raised concerns about how Article 25, Section 3.6 is interpreted at the June 18, 2024 meeting. Staff worked with the Planning Commission to also incorporate another Code clean-up related to advertising zoning items.

**RECOMMENDATION:** Staff Recommends Approval  
Planning Commission Recommends Denial

**BACKGROUND:** Upon the start of the new Planning Director, a public hearing going to the Planning Commission had to be readvertized due to signs not being posted in a manner timely to the zoning ordinance (within five days a petition for a rezoning is filed with the City). This text amendment changes the posting date, so all postings can be made at the same time (10 days prior to the Planning Commission hearing). Further edits are made to align the language with State Code requirements. This text amendment also addresses Code language concerns raised by Council in Article 25, Section 3.6 to clarify the applicability of developing a single-family home on a nonconforming lot.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 24-ZTA-06 Memo
2. Administrative Clarifications
3. Ordinance 24-ZTA-06
4. Tracked Changes Combined
5. Tracked Changes Combined - Alternative



# City of Petersburg

Department of Planning and Community Development  
135 N Union St, Room 304  
Petersburg, VA 23803  
(804) 733-2308

## MEMORANDUM

**DATE:** November 2024

**TO:** City Council

**FROM:** Planning Commission

**RE:** 2024-ZTA-06: Consideration of a resolution recommending amendment and readoption of Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to administrative clarifications on development of contiguous nonconforming lots under common ownership and requirements for public notice.

### EXECUTIVE SUMMARY:

Planning Commission has advanced a potential code amendment for the Council's consideration. The goal of the amendment is to clarify several administrative policies and procedures pertaining to:

- 1) The buildability of contiguous nonconforming lots under common ownership
- 2) Requirements for providing public notice prior to hearings for changes and amendments to the Zoning Ordinance

### CHRONOLOGY OF EVENTS:

1. July 11, 2024 – staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.
2. September 5, 2024 - Planning Commission took action to recommend denial.
3. October 29, 2024 – Staff met with the mayor and City Manager as well as a concern citizen to discuss how to address the concerns of the Planning Commission with this text amendment and developed an alternative as outlined in presentation associated with this memo.

### BACKGROUND:

### Existing Article 25:

Article 25 of the Zoning Ordinance includes certain provisions that supplement the basic standards for things like building height, lot area and width, and setback requirements. Section 3.6 of this Article allows for the construction of a single-family dwelling on a lot that does not meet minimum area or width requirements if that lot is within a zoning district that allows residential uses and reads as follows:

*“Where an unimproved lot in a zoning district that allows residential use was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other accessory improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. **However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.**”*

The last sentence in the section seems to indicate the provision does not apply to lots that abutted each other whenever the most recent regulations on lot area and width came into effect if those lots were under the same ownership. If read and applied strictly, this standard is extremely difficult to enforce as it first requires a determination of when a particular regulation was adopted, followed by a determination of who owned a given property and all the properties abutting it at that time. It is also unclear whether this language applies to abutting lots that are currently under the same ownership.

### Existing Article 28

Article 28 of the Zoning Ordinance lays out the procedures for informing the public of proposed changes and amendments to the ordinance, including applications for rezoning or special use permits. Certain requirements for public notice are mandated in the Code of Virginia Section 15.2-2204, including requirements to advertise public hearings in a newspaper of general circulation and, in the case of a rezoning or special use permit, to mail notices to owners of property abutting the property making a request. City Code includes similar provisions, but these do not match exactly with State Code.

City Code also has requirements for public notice beyond what is required by State Code. These include a requirement that an applicant for a rezoning or special use permit provide the City with a list of abutting properties and a requirement that an applicant post a physical sign to their property with information on a request. While these requirements exceed what the State requires, they are good practice for ensuring the public is made aware of public hearings.

### Proposed Changes

- 1) Article 25, Section 3.6 would be amended to remove the rule prohibiting a single-family dwelling and other accessory improvements on nonconforming lots under common ownership formerly or presently. Please note these lots are nonconforming only in terms of area and width; they are still required to meet all other zoning regulations.
- 2) Article 28 would be amended to directly reference Code of Virginia Section 15.2-2204 requirements for advertising and mailing hearing notices; this would keep the City's policies up to date in case the State regulations are updated in the future.
- 3) Article 28 would also be amended to specify that the City is responsible for abutting property owner information and posting physical notices on properties requesting rezonings or special use permits. The timing of posting physical notices will also be adjusted to match when written notices are mailed.

### **COMPREHENSIVE PLAN CONSIDERATIONS:**

While the proposed text amendment largely deals with procedural clarifications, it should be noted that one of the major goals identified in the Comprehensive Plan is "Working Together for Vibrant Neighborhoods and Housing for All." The plan goes on to recommend several housing strategies relating to increasing the housing stock within the city.

The proposed amendment to Article 25 only deals with single-family dwellings, but there are many lots in the city that do not conform to minimum area and width requirements which can be made buildable through Section 3.6 if the unclear and difficult-to-enforce language about lots under common ownership is removed.

**RECOMMENDATION:** Staff recommend approval of the proposed text amendment. Planning Commission recommends denial.

CITY COUNCIL  
MEETING

NOVEMBER  
2024



## 2024-ZTA-06:

An ordinance amending and readopting Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to administrative clarifications on development of contiguous nonconforming lots under common ownership and requirements for public notice.

# Background and Overview

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- This text amendment looks at a few sections of the Zoning Ordinance that are out of date, out of line with State Code, and unclear/unenforceable.
- Components of Proposed Amendment:
  - Updates to Article 28, Changes and Amendments, to simplify public hearing advertising and notification procedures per State Code requirements.
  - Update to Article 25, Supplementary Height, Area, Bulk, and Design Regulations, to clarify buildability of non-conforming lots in residential districts.

# Article 28 - Existing

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- Sets process and requirements for changes to zoning ordinance, including rezonings.
- Specifies that public hearings must be advertised, notice must be sent to affected property owners, and signs with information on the request should be posted to properties under petition.
- Petitioner is required to provide adjoining owner information and maintain sign postings throughout process.
- Text aligns roughly, but not exactly, with State Code requirements.

# Article 28 - Proposed

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## Advertising/Notice to Adjoining Properties:

- Explicitly tie our standards to Code of Virginia Section 15.2-2204, as amended
- Public hearings will be advertised twice prior to a hearing; notices sent to adjoining property owners via certified or first-class mail depending on number of parcels involved.
- Covers notices required to adjoining localities and military installations.

## Sign Postings:

- Information on request to be posted at involved properties at least 10 days prior to first hearing, remain until case closed.

# Article 25 - Existing

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## Section 3.6:

- Allows for the development of a single-family detached dwelling and accessory improvements on a lot that does not meet minimum width or area requirements if that lot is in a zoning district which allows residential uses.
- Final sentence reads **“However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.”**
- Intent is unclear; strict regulation would be difficult to determine/enforce. Would hinder lot development.

# Article 25 - Proposed

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- Delete sentence with unclear language, allowing to be built on non-conforming lots in districts that allow residential regardless present or former ownership.

# 725 Wilson Street – 40' wide

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# 411 Shore Street – 39' x 90'

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# 520 Shore Street – 42' x 104'

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824 Rome Street – 40' x 150'  
820 Romes Street – 48.5' x 145'

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# Key Changes

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## **Article 28:**

- Notice requirements in line with State Code, update automatically to remain so.
- City allowed to send first-class mailings for larger requests; cost savings.
- City is responsible for adjoining property owner information and for posting signs; signs are posted when notices go out, remain until Council votes.

## **Article 25:**

- Unclear language and potential hurdle to increasing housing stock is removed.

# Recommendations

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Staff - Approval

Planning Commission – Denial – Concerned that removing the contiguous lot language may lead to demolition of existing lots for the sale of multiple nonconforming lots.

# UPDATE

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To address concern of the Planning Commission, the following revised language is proposed:

3.6. Lot area. Lot area. Where an unimproved lot in a zoning district that allows residential use was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other accessory improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force **unless such a lot is within the R-2 or R-3 District.**

**Regardless of zoning district, this section will not apply to contiguous, nonconforming lots presently under common ownership. Lots presently under common ownership shall be consolidated to the extent possible to become, at a minimum, less nonconforming.**

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance to amend and readopt Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to administrative clarifications on development of contiguous nonconforming lots under common ownership and requirements for public notice.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

**AN ORDINANCE APPROVING TO AMEND AND READOPT ARTICLE 25. – SUPPLEMENTARY HEIGHT, AREA, BULK AND DESIGN REGULATIONS AND ARTICLE 28. – CHANGES AND AMENDMENTS AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO CLARIFY THE ABILITY TO DEVELOP CONTIGUOUS NONCONFORMING LOTS UNDER COMMON OWNERSHIP AND REQUIREMENTS FOR PUBLIC NOTICE**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 25. – Supplementary Height, Area, Bulk and Design Regulations, which includes a provision for the development of single-family dwellings and accessory improvements on lots which do not conform to minimum area and width regulations; and

WHEREAS, the above mentioned provision includes language which is unclear and difficult to enforce regarding the ability to develop nonconforming lots if they are contiguous and under common ownership; and

WHEREAS, the City Council supports clarifying this language and removing potential obstacles for the development of additional housing within the City; and

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 28. –Changes and Amendments, which stipulates the process for changes to the Zoning Ordinance, including requirements for public notice of changes; and

WHEREAS, certain portions of Article 28 are out of line with Virginia State Code requirements for public notice or otherwise create burdensome requirements for petitioners; and

WHEREAS, the City Council supports simplifying the City’s public notice processes and aligning its standards directly with the State Code as amended; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

**NOW THEREFORE BE IT ORDAINED** that the City Council does hereby approve an ordinance amending and readopting Article 25. – Supplementary Height, Area, Bulk and Design Regulations and Article 28.- Changes and Amendments as indicated in Exhibit A.

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## **ARTICLE 25. SUPPLEMENTARY HEIGHT, AREA, BULK AND DESIGN REGULATIONS**

### **Section 1. Purpose.**

The regulations set forth in this section [article] qualify or supplement the district regulations appearing elsewhere in this ordinance.

### **Section 2. Modification of height regulations.**

- (1) The height regulations as prescribed in this ordinance shall not apply to:
  - Belfries;
  - Chimneys;
  - Church spires;
  - Conveyors;
  - Cooling towers;
  - Elevator bulkheads;
  - Fire towers;
  - Flagpoles;
  - Monuments;
  - Ornamental towers and spires;
  - Smokestacks;
  - Stage towers or scenery lofts;
  - Water towers;
  - Tanks.
- (2) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulation for the district in which the building is located.
- (3) Manufacturing buildings located in the "M-2" Heavy Industrial district, on land parcels at or exceeding one hundred fifty (150) acres and used for gravity assisted processing, may erect to a height not exceeding one hundred seventy-five (175) feet, when such buildings are set back from any other contiguous zoning district by at least one foot for each one foot of additional building height above the height regulations for the "M-2" Industrial District.

### **Section 3. Modification of area regulations.**

#### *3.1. Yards generally.*

- (1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard only.

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- (2) Every part of a required yard shall be open to the sky, except as authorized by this article; and ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features, which may project to a distance not to exceed twenty-four (24) inches into a required yard.
- (3) Within a residence or office-apartment district, the least dimension of a yard upon which the principal entrances or exists of a multiple dwelling face shall be twenty (20) feet.
- (4) Where a lot is used for a commercial or industrial purpose more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
- (5) A bathroom not exceeding fifty (50) square feet in area may be constructed on the rear of an existing dwelling which does not have these sanitary facilities, provided the addition is at least ten (10) feet from the rear lot line and conforms to the side line requirements.
- (6) On residential lots having a width of less than fifty (50) feet and on record prior to November 20, 1947, there shall be a side yard on each side of a building having a width of not less than ten (10) percent of the average width of the lot; provided, however, that such side yard shall not be less than three (3) feet.
- (7) For housing projects involving the construction of several multiple-group dwellings on the same lot or parcel of land, in order to permit a more flexible placing of the buildings on the land and more desirable grouping of open spaces and such accessory facilities as recreation and parking areas, the following yard requirements shall apply:
  - (a) Front, side and rear yard requirements along the boundaries of the lot shall be in accordance with requirements previously established;
  - (b) Within the lot, minimum distances between main buildings, except Residential Town House Districts, shall be as follows:
    1. When buildings are front to front, not less than fifty (50) feet.
    2. When buildings are front to rear, not less than sixty (60) feet.
    3. When buildings are front to side, not less than fifty (50) feet.
    4. When buildings are side to side, rear to side, or rear to rear, not less than twenty (20) feet for one story buildings and not less than thirty (30) feet when one or both of the buildings are more than one story.

3.2. *Accessory buildings and structures.*

- (1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (2) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from the street lines.
- (3) One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this ordinance; provided such sign is of not more than thirty (30) square feet in area, does not contain flashing, moving, or intermittent illumination; and provided the requirements of other city ordinances are complied with.
- (4) An ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven (7) feet.

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- (5) Accessory, open and uncovered swimming pools and home barbecue grills may occupy a required rear yard, provided they are not located closer than five (5) feet to the rear lot line not closer than three (3) feet to a side lot line.
- (6) Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard; provided, such accessory building does not occupy more than twenty-five (25) percent of the area of the required rear yard; and provided, it is not located closer than eight (8) feet to the rear lot line nor closer than three (3) feet to a side lot line.

3.3. *Front yards.*

- (1) Where an official line has been established by the adopted major arterial plan, for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard of fifteen (15) feet on the side street; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than thirty-two (32) feet.
- (4) Open unenclosed porches, platforms or paved terraces, open or covered by a roof or canopy, and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six (6) feet.
- (5) Where twenty-five (25) percent or more of the street frontage, or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet, of the property in question is improved with buildings that have a front yard (with variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty (50) percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty (40) percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.
- (6) All buildings hereinafter erected, or structurally altered so as to change the character of use of such building, shall observe the following setback requirements or the setbacks or front yard requirements set forth elsewhere in this ordinance, whichever is greater:
  - (a) Except as otherwise provided below, on Washington Street, the minimum setback shall be forty (40) feet, and on Sycamore Street south of Halifax Street, the minimum setback shall be forty-five (45) feet. (On Crater Road, between Graham Road and South Boulevard, the minimum setback on the west side shall be forty (40) feet and on the east side shall be ninety (90) feet for dwellings and sixty (60) feet for all other buildings.) On all other streets thirty (30) feet in width and less than sixty (60) feet in width the minimum setback shall be thirty (30) feet. The term "center line of the street" as used below, shall mean the center line which existed November 20, 1947.
  - (a-1) The minimum setback along U.S. Rout 301 (South Crater Road) from the Norfolk and Western Railway underpass south of Morton Avenue and to the Prince George County Line shall be one hundred (100) feet. The minimum setback along U.S. Route 460 (County Drive) from the Norfolk and Western Railway overpass, at the old corporate limits, to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 604 (Halifax Road) from its intersection with Boydton Plank Road south to the overpass over Interstate 85 shall be one hundred (100) feet; along the west side of Halifax Road from Interstate 85 south to Vaughan Road the minimum setback shall be one hundred forty-five (145) feet; along Halifax Road from Vaughan Road south to the Dinwiddie County Line the minimum setback shall be one hundred (100) feet. The minimum setback along State Route 142 (Boydton Plank Road) from its

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intersection with Halifax Road west to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along State Route 632 (Wagner Road) from U.S. Route 301 east to U.S. Route 460 shall be one hundred (100) feet. The minimum setback along State Route 608 (Johnson Road) from the Norfolk and Western Railway overpass, at the old corporate limits, south to the Dinwiddie County Line south of Flank Road shall be one hundred (100) feet. The minimum setback along State Route 109 (Hickory Hill Road) from U.S. 460 east to Fort Lee shall be one hundred (100) feet.

The minimum setback along State Route 629 (Rives Road) from U.S. Route 301 east to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 613 (Squirrel Level Road) from Boydton Plank Road southwest to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along Dupuy Road from Spring Street Southwest to Boydton Plank Road shall be eighty (80) feet. The minimum setback along State Route 613 (young's Road) from Brick House Run south to Boydton Plank Road shall be eighty (80) feet. The minimum setback along Flank Road from U.S. Route 301 west to State Route 604(Halifax Road) shall be one hundred fifty (150) feet. The minimum setback along Defense Road from Banister Road west to State Route 142 (Boydton Plank Road) shall be one hundred fifty (150) feet. The term "center line of the street," as used below in subsection (b), when referring to this paragraph shall mean the center line which existed January 1, 1972. Where there are two (2) center lines on a road, the center line referred to is a line running half way between and parallel to the two (2) existing center lines.

- (b) The minimum setback required herein shall be the minimum horizontal distance from the center line of the street to the main building, or any projection thereof. Where an existing building has less setback than provided herein, any building hereafter erected or structurally altered within twenty (20) feet of said existing building may observe the setback line established by the existing building provided that provision be made in the structure for the removal of that portion which extends beyond the setback line established herein, without damage to the balance of the structure, and that the owner of the building to be erected or structurally altered enter into agreement with the City of Petersburg, relieving the city of damage for the removal of that portion of the structure extending beyond the required setback line, when at such time the city acquires title to this portion of the property for street widening.
- (c) No setback of any building shall be required on the south side of East Tabb Street, between North Sycamore Street and Monroe Street.
- (d) Where the minimum setback required herein would require a front yard, the depth of which is greater than ten (10) percent of the average depth of a lot of record prior to November 20, 1947, or require a front yard on the side having the greater, and the front yard is not required by the district regulations, an application for a building permit, conforming to the provisions herein, shall be denied by the building inspector for a period of sixty (60) days. The building inspector shall immediately notify the council of such application for a permit, and unless the building inspector be notified by the clerk of the council within sixty (60) days of date of the application for permit, of the city's intention to purchase the land occupied by the setback required herein, the building inspector shall grant the permit.

3.4. *Side yards.*

- (1) Where dwelling units are erected above business and industrial structures in business and industrial districts, no side yards are required, except such side yard as may be required in the district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.
- (2) For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.

- (3) The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residence districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business, commercial or industrial district, in which case the width of that yard shall be as required in the chart of article 22, for the district in which the building is located.
- 3.5. *Rear yards.* Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.
- 3.6. *Lot area.* Lot area. Where an unimproved lot in a zoning district that allows residential use was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other accessory improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. ~~However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force.~~

#### **Section 4. Architectural Treatment for New Construction.**

- 4.1 *Architectural Theme.* Prior to the approval of any site plan or special use permit for a project or building permit for a new dwelling, the applicant shall submit for approval documents that define the overall architectural theme of the project. The architectural theme is a written and/or graphic description of the planned architectural treatment of all buildings within a project. The theme shall describe how exterior materials, colors, architectural style and building scale shall be employed to establish a consistent architectural treatment for the project. Architectural treatment of buildings, including materials, color and style, shall be consistent throughout the project and compatible with other buildings located within the same project. Consistency and compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
- 4.2 *Junction and Accessory Boxes.* All junction boxes and associated infrastructure except those in industrial districts and those not visible outside the property shall be minimized from view of public rights-of-way and adjacent property at the street level by landscaping or architectural treatment integrated with the building served. In industrial districts, junction boxes and associated infrastructure need not be minimized from view of adjacent property within the industrial district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.
- 4.3 *Mechanical Equipment.* Mechanical equipment, whether ground-level or rooftop, shall be screened from view of public rights-of-way and adjacent property at the street level and designed to be perceived as an integral part of the building, except as stated herein. In industrial districts, mechanical equipment need not be screened from view of adjacent property within the industrial district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.
- 4.4 *Exterior Building Materials.*
- 1) No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors that are representative of good architectural design but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development resulting in the depreciation of property values.
  - 2) No portion of a building constructed of cinder block that is not completely covered with a façade that meets the standards of this section shall be visible from any adjoining residential, commercial, mixed-use, or planned unit development district or any public right-of-way. Corrugated sheet metal panels used as a finish material are prohibited. Architectural metal panels may be accepted, subject to consultation with

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and a determination by the Director of Planning and Community Development that the treatment meets the intent of this section.

- 3) Buildings shall be designed with harmonious proportions and shall not have monotonous facades or large bulky masses. Buildings shall possess architectural variety but shall be compatible with existing structures, especially nearby structures of historic interest.
- 4) New or remodeled buildings shall be consistent with the overall cohesive character of the area in which they are situated as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or landscaping, all as may be more particularly described in any applicable adopted plans and guidelines.

## **ARTICLE 28. CHANGES AND AMENDMENTS**

### **Section 1. Initiation by motion or council, recommendation by planning commission, or petition of property owner.**

The city council may, from time to time, amend, supplement, or change by ordinance, the boundaries of the districts, or the regulations herein established. A proposed change of district or text may be initiated by the city council, on its own motion, or in recommendation by the planning commission, or by petition of property owner addressed to the city council. All petitions shall be in writing and shall specify:

- (1) The nature and extent of the change desired;
- (2) Reasons for seeking the change;
- (3) ~~The names and addresses of the owner or owners of all property abutting, and immediately across the street from, the property whose zoning is proposed to be changed; provided, however, that if the petition involves a change of more than twenty-five (25) parcels of land, the provisions of this subsection shall not be required. The petition, and all data pertaining thereto, shall be filed in the office of the clerk at least five (5) days prior to a regular meeting of council.~~

### **Section 2. Planning commission hearing, changes and report; failure to report.**

Before taking any action on any proposed amendment, supplement, or change, the city council shall submit the same to the planning commission for its recommendations and report. The planning commission shall hold at least one public hearing on such proposed amendments, and may make appropriate changes in the proposed amendments, as a result of such hearing. Upon the completion of its work, the planning commission shall present the proposed amendment to the city council, together with its recommendation and any appropriate explanatory materials deemed necessary by the planning commission. The failure of the planning commission to report, within ninety (90) days after the first meeting of the commission after the proposed amendment has been referred to the commission, shall be deemed approval.

### **Section 3. Public hearing, notice required for each proposal; greater than majority vote required for amendment.**

Before approving and adopting any amendment to this ordinance, the city council shall hold at least one public hearing thereon, after which the city council may make appropriate changes or corrections in the proposed amendment; provided, that no additional land may be zoned to a different classification than was contained in the public notice required by this section, without an additional public hearing, after notice as required by this section. An affirmative vote of at least a majority of the members of the city council shall be required to amend any provision of this ordinance.

### **Section 4. Notice to be published; ~~notice to be sent to affected property owners~~; signs to be posted, maintained.**

The planning commission shall not recommend, nor shall the city council adopt, any amendment to this ordinance until notice of intention to do so has been ~~published once a week for two (2) successive weeks in a newspaper published, or having general circulation, in the city. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication~~ advertised and written notice has been given to affected property owners in accordance with Code of Virginia Section 15.2-2204 as amended.

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Additionally, ~~When~~ a petition for a change in a district classification is filed with the city, ~~the petitioner shall, within five (5) days of that same date, post~~ a sign shall be posted on each lot included in the petition, stating that a request has been filed with the council for a zoning change, and state the requested classification. ~~Such signs shall be furnished by the building inspector, and shall be located so as to be visible from the street.~~ If the petitioner involves multiple contiguous lots, a single ~~requests that an entire subdivision often (10) or more lots be changed,~~ two (2) signs posted adjacent to each every three hundred (300) feet along each public street in the subdivision frontage adjoining the area subject to the petition shall be deemed to be sufficient compliance with this requirement. Signs on each property shall not be deemed necessary to adopt a new zoning district map for the city.

Such signs ~~It~~ shall be posted so as to be visible from the street and not less than ten (10) days prior to the planning commission public hearing and shall remain ~~the duty of the petitioner or petitioners to maintain, or to replace, the signs if they are obliterated or destroyed,~~ until such time as the council has disposed of the petition. The signs shall be maintained and replaced if they are damaged or destroyed.

**~~Section 5. Notice to be delivered by certified or registered mail to affected property owners, agents, or tenants.~~**

~~Except upon application of a property owner or his agent, when a proposed amendment of this ordinance involves a change in the zoning classification of twenty-five (25) or less parcels of land, than in addition to the advertising as required in the preceding paragraph, written notice shall be given at least five (5) days before the hearing to the owner or owners, their agent, or the occupant, of each parcel involved, and to the owners, their agent, or occupant, of all abutting property and property immediately across the street or road from the property affected. Notice sent by registered or certified mail to the last known address of such owner, as shown on the current real estate tax assessment books, shall be deemed adequate compliance with this requirement.~~

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## **ARTICLE 25. SUPPLEMENTARY HEIGHT, AREA, BULK AND DESIGN REGULATIONS**

### **Section 1. Purpose.**

The regulations set forth in this section [article] qualify or supplement the district regulations appearing elsewhere in this ordinance.

### **Section 2. Modification of height regulations.**

- (1) The height regulations as prescribed in this ordinance shall not apply to:
  - Belfries;
  - Chimneys;
  - Church spires;
  - Conveyors;
  - Cooling towers;
  - Elevator bulkheads;
  - Fire towers;
  - Flagpoles;
  - Monuments;
  - Ornamental towers and spires;
  - Smokestacks;
  - Stage towers or scenery lofts;
  - Water towers;
  - Tanks.
- (2) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulation for the district in which the building is located.
- (3) Manufacturing buildings located in the "M-2" Heavy Industrial district, on land parcels at or exceeding one hundred fifty (150) acres and used for gravity assisted processing, may erect to a height not exceeding one hundred seventy-five (175) feet, when such buildings are set back from any other contiguous zoning district by at least one foot for each one foot of additional building height above the height regulations for the "M-2" Industrial District.

### **Section 3. Modification of area regulations.**

#### **3.1. Yards generally.**

- (1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard only.

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- (2) Every part of a required yard shall be open to the sky, except as authorized by this article; and ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features, which may project to a distance not to exceed twenty-four (24) inches into a required yard.
- (3) Within a residence or office-apartment district, the least dimension of a yard upon which the principal entrances or exists of a multiple dwelling face shall be twenty (20) feet.
- (4) Where a lot is used for a commercial or industrial purpose more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
- (5) A bathroom not exceeding fifty (50) square feet in area may be constructed on the rear of an existing dwelling which does not have these sanitary facilities, provided the addition is at least ten (10) feet from the rear lot line and conforms to the side line requirements.
- (6) On residential lots having a width of less than fifty (50) feet and on record prior to November 20, 1947, there shall be a side yard on each side of a building having a width of not less than ten (10) percent of the average width of the lot; provided, however, that such side yard shall not be less than three (3) feet.
- (7) For housing projects involving the construction of several multiple-group dwellings on the same lot or parcel of land, in order to permit a more flexible placing of the buildings on the land and more desirable grouping of open spaces and such accessory facilities as recreation and parking areas, the following yard requirements shall apply:
  - (a) Front, side and rear yard requirements along the boundaries of the lot shall be in accordance with requirements previously established;
  - (b) Within the lot, minimum distances between main buildings, except Residential Town House Districts, shall be as follows:
    1. When buildings are front to front, not less than fifty (50) feet.
    2. When buildings are front to rear, not less than sixty (60) feet.
    3. When buildings are front to side, not less than fifty (50) feet.
    4. When buildings are side to side, rear to side, or rear to rear, not less than twenty (20) feet for one story buildings and not less than thirty (30) feet when one or both of the buildings are more than one story.

3.2. *Accessory buildings and structures.*

- (1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- (2) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from the street lines.
- (3) One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this ordinance; provided such sign is of not more than thirty (30) square feet in area, does not contain flashing, moving, or intermittent illumination; and provided the requirements of other city ordinances are complied with.
- (4) An ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven (7) feet.

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- (5) Accessory, open and uncovered swimming pools and home barbecue grills may occupy a required rear yard, provided they are not located closer than five (5) feet to the rear lot line not closer than three (3) feet to a side lot line.
- (6) Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard; provided, such accessory building does not occupy more than twenty-five (25) percent of the area of the required rear yard; and provided, it is not located closer than eight (8) feet to the rear lot line nor closer than three (3) feet to a side lot line.

3.3. *Front yards.*

- (1) Where an official line has been established by the adopted major arterial plan, for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard of fifteen (15) feet on the side street; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than thirty-two (32) feet.
- (4) Open unenclosed porches, platforms or paved terraces, open or covered by a roof or canopy, and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six (6) feet.
- (5) Where twenty-five (25) percent or more of the street frontage, or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet, of the property in question is improved with buildings that have a front yard (with variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty (50) percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty (40) percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.
- (6) All buildings hereinafter erected, or structurally altered so as to change the character of use of such building, shall observe the following setback requirements or the setbacks or front yard requirements set forth elsewhere in this ordinance, whichever is greater:
  - (a) Except as otherwise provided below, on Washington Street, the minimum setback shall be forty (40) feet, and on Sycamore Street south of Halifax Street, the minimum setback shall be forty-five (45) feet. (On Crater Road, between Graham Road and South Boulevard, the minimum setback on the west side shall be forty (40) feet and on the east side shall be ninety (90) feet for dwellings and sixty (60) feet for all other buildings.) On all other streets thirty (30) feet in width and less than sixty (60) feet in width the minimum setback shall be thirty (30) feet. The term "center line of the street" as used below, shall mean the center line which existed November 20, 1947.
  - (a-1) The minimum setback along U.S. Rout 301 (South Crater Road) from the Norfolk and Western Railway underpass south of Morton Avenue and to the Prince George County Line shall be one hundred (100) feet. The minimum setback along U.S. Route 460 (County Drive) from the Norfolk and Western Railway overpass, at the old corporate limits, to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 604 (Halifax Road) from its intersection with Boydton Plank Road south to the overpass over Interstate 85 shall be one hundred (100) feet; along the west side of Halifax Road from Interstate 85 south to Vaughan Road the minimum setback shall be one hundred forty-five (145) feet; along Halifax Road from Vaughan Road south to the Dinwiddie County Line the minimum setback shall be one hundred (100) feet. The minimum setback along State Route 142 (Boydton Plank Road) from its

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intersection with Halifax Road west to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along State Route 632 (Wagner Road) from U.S. Route 301 east to U.S. Route 460 shall be one hundred (100) feet. The minimum setback along State Route 608 (Johnson Road) from the Norfolk and Western Railway overpass, at the old corporate limits, south to the Dinwiddie County Line south of Flank Road shall be one hundred (100) feet. The minimum setback along State Route 109 (Hickory Hill Road) from U.S. 460 east to Fort Lee shall be one hundred (100) feet.

The minimum setback along State Route 629 (Rives Road) from U.S. Route 301 east to the Prince George County Line shall be one hundred (100) feet. The minimum setback along State Route 613 (Squirrel Level Road) from Boydton Plank Road southwest to the Dinwiddie County Line shall be one hundred (100) feet. The minimum setback along Dupuy Road from Spring Street Southwest to Boydton Plank Road shall be eighty (80) feet. The minimum setback along State Route 613 (young's Road) from Brick House Run south to Boydton Plank Road shall be eighty (80) feet. The minimum setback along Flank Road from U.S. Route 301 west to State Route 604(Halifax Road) shall be one hundred fifty (150) feet. The minimum setback along Defense Road from Banister Road west to State Route 142 (Boydton Plank Road) shall be one hundred fifty (150) feet. The term "center line of the street," as used below in subsection (b), when referring to this paragraph shall mean the center line which existed January 1, 1972. Where there are two (2) center lines on a road, the center line referred to is a line running half way between and parallel to the two (2) existing center lines.

- (b) The minimum setback required herein shall be the minimum horizontal distance from the center line of the street to the main building, or any projection thereof. Where an existing building has less setback than provided herein, any building hereafter erected or structurally altered within twenty (20) feet of said existing building may observe the setback line established by the existing building provided that provision be made in the structure for the removal of that portion which extends beyond the setback line established herein, without damage to the balance of the structure, and that the owner of the building to be erected or structurally altered enter into agreement with the City of Petersburg, relieving the city of damage for the removal of that portion of the structure extending beyond the required setback line, when at such time the city acquires title to this portion of the property for street widening.
- (c) No setback of any building shall be required on the south side of East Tabb Street, between North Sycamore Street and Monroe Street.
- (d) Where the minimum setback required herein would require a front yard, the depth of which is greater than ten (10) percent of the average depth of a lot of record prior to November 20, 1947, or require a front yard on the side having the greater, and the front yard is not required by the district regulations, an application for a building permit, conforming to the provisions herein, shall be denied by the building inspector for a period of sixty (60) days. The building inspector shall immediately notify the council of such application for a permit, and unless the building inspector be notified by the clerk of the council within sixty (60) days of date of the application for permit, of the city's intention to purchase the land occupied by the setback required herein, the building inspector shall grant the permit.

3.4. *Side yards.*

- (1) Where dwelling units are erected above business and industrial structures in business and industrial districts, no side yards are required, except such side yard as may be required in the district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.
- (2) For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.

- (3) The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residence districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business, commercial or industrial district, in which case the width of that yard shall be as required in the chart of article 22, for the district in which the building is located.
- 3.5. *Rear yards.* Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.
- 3.6. *Lot area.* Lot area. Where an unimproved lot in a zoning district that allows residential use was of record prior to the application of zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots or lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a one-family dwelling or making other accessory improvements on the lot; provided such improvements conform in all other respects to the applicable zoning regulations and restrictions. However, this section will not apply if the lot or lots in question were contiguous to another lot or lots of record owned by the same person at the time the more restrictive regulations became in force **unless such a lot is within the R-2 or R-3 District.**

**Regardless of zoning district, this section will not apply to contiguous, nonconforming lots under common ownership. Lots under common ownership shall be consolidated to the extent possible to become, at a minimum, less nonconforming.**

#### **Section 4. Architectural Treatment for New Construction.**

- 4.1 *Architectural Theme.* Prior to the approval of any site plan or special use permit for a project or building permit for a new dwelling, the applicant shall submit for approval documents that define the overall architectural theme of the project. The architectural theme is a written and/or graphic description of the planned architectural treatment of all buildings within a project. The theme shall describe how exterior materials, colors, architectural style and building scale shall be employed to establish a consistent architectural treatment for the project. Architectural treatment of buildings, including materials, color and style, shall be consistent throughout the project and compatible with other buildings located within the same project. Consistency and compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
- 4.2 *Junction and Accessory Boxes.* All junction boxes and associated infrastructure except those in industrial districts and those not visible outside the property shall be minimized from view of public rights-of-way and adjacent property at the street level by landscaping or architectural treatment integrated with the building served. In industrial districts, junction boxes and associated infrastructure need not be minimized from view of adjacent property within the industrial district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.
- 4.3 *Mechanical Equipment.* Mechanical equipment, whether ground-level or rooftop, shall be screened from view of public rights-of-way and adjacent property at the street level and designed to be perceived as an integral part of the building, except as stated herein. In industrial districts, mechanical equipment need not be screened from view of adjacent property within the industrial district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.
- 4.4 *Exterior Building Materials.*
- 1) No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors that are representative of good architectural design but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development resulting in the depreciation of property values.

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- 2) No portion of a building constructed of cinder block that is not completely covered with a façade that meets the standards of this section shall be visible from any adjoining residential, commercial, mixed-use, or planned unit development district or any public right-of-way. Corrugated sheet metal panels used as a finish material are prohibited. Architectural metal panels may be accepted, subject to consultation with and a determination by the Director of Planning and Community Development that the treatment meets the intent of this section.
- 3) Buildings shall be designed with harmonious proportions and shall not have monotonous facades or large bulky masses. Buildings shall possess architectural variety but shall be compatible with existing structures, especially nearby structures of historic interest.
- 4) New or remodeled buildings shall be consistent with the overall cohesive character of the area in which they are situated as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or landscaping, all as may be more particularly described in any applicable adopted plans and guidelines.

## **ARTICLE 28. CHANGES AND AMENDMENTS**

### **Section 1. Initiation by motion or council, recommendation by planning commission, or petition of property owner.**

The city council may, from time to time, amend, supplement, or change by ordinance, the boundaries of the districts, or the regulations herein established. A proposed change of district or text may be initiated by the city council, on its own motion, or in recommendation by the planning commission, or by petition of property owner addressed to the city council. All petitions shall be in writing and shall specify:

- (1) The nature and extent of the change desired;
- (2) Reasons for seeking the change;
- (3) ~~The names and addresses of the owner or owners of all property abutting, and immediately across the street from, the property whose zoning is proposed to be changed; provided, however, that if the petition involves a change of more than twenty-five (25) parcels of land, the provisions of this subsection shall not be required. The petition, and all data pertaining thereto, shall be filed in the office of the clerk at least five (5) days prior to a regular meeting of council.~~

### **Section 2. Planning commission hearing, changes and report; failure to report.**

Before taking any action on any proposed amendment, supplement, or change, the city council shall submit the same to the planning commission for its recommendations and report. The planning commission shall hold at least one public hearing on such proposed amendments, and may make appropriate changes in the proposed amendments, as a result of such hearing. Upon the completion of its work, the planning commission shall present the proposed amendment to the city council, together with its recommendation and any appropriate explanatory materials deemed necessary by the planning commission. The failure of the planning commission to report, within ninety (90) days after the first meeting of the commission after the proposed amendment has been referred to the commission, shall be deemed approval.

### **Section 3. Public hearing, notice required for each proposal; greater than majority vote required for amendment.**

Before approving and adopting any amendment to this ordinance, the city council shall hold at least one public hearing thereon, after which the city council may make appropriate changes or corrections in the proposed amendment; provided, that no additional land may be zoned to a different classification than was contained in the public notice required by this section, without an additional public hearing, after notice as required by this section. An affirmative vote of at least a majority of the members of the city council shall be required to amend any provision of this ordinance.

### **Section 4. Notice to be published; ~~notice to be sent to affected property owners~~; signs to be posted, maintained.**

The planning commission shall not recommend, nor shall the city council adopt, any amendment to this ordinance until notice of intention to do so has been ~~published once a week for two (2) successive weeks in a newspaper published, or having general circulation, in the city. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication~~ advertised and written notice has been given to affected property owners in accordance with Code of Virginia Section 15.2-2204 as amended.

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Additionally, ~~When~~ a petition for a change in a district classification is filed with the city, ~~the petitioner shall, within five (5) days of that same date, post~~ a sign shall be posted on each lot included in the petition, stating that a request has been filed with the council for a zoning change, and state the requested classification. ~~Such signs shall be furnished by the building inspector, and shall be located so as to be visible from the street.~~ If the petitioner involves multiple contiguous lots, a single ~~requests that an entire subdivision often (10) or more lots be changed,~~ two (2) signs posted adjacent to each every three hundred (300) feet along each public street in the subdivision frontage adjoining the area subject to the petition shall be deemed to be sufficient compliance with this requirement. Signs on each property shall not be deemed necessary to adopt a new zoning district map for the city.

Such signs ~~It~~ shall be posted so as to be visible from the street and not less than ten (10) days prior to the planning commission public hearing and shall remain ~~the duty of the petitioner or petitioners to maintain, or to replace, the signs if they are obliterated or destroyed,~~ until such time as the council has disposed of the petition. The signs shall be maintained and replaced if they are damaged or destroyed.

**~~Section 5. Notice to be delivered by certified or registered mail to affected property owners, agents, or tenants.~~**

~~Except upon application of a property owner or his agent, when a proposed amendment of this ordinance involves a change in the zoning classification of twenty-five (25) or less parcels of land, than in addition to the advertising as required in the preceding paragraph, written notice shall be given at least five (5) days before the hearing to the owner or owners, their agent, or the occupant, of each parcel involved, and to the owners, their agent, or occupant, of all abutting property and property immediately across the street or road from the property affected. Notice sent by registered or certified mail to the last known address of such owner, as shown on the current real estate tax assessment books, shall be deemed adequate compliance with this requirement.~~



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:** March Altman, Jr., City Manager  
**FROM:** Tangi Hill  
**RE:** **Consideration of Appointment to the Petersburg Arts Council - Pages 361-362**

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**PURPOSE:** To make appointments to the Petersburg Arts Council.

**REASON:** To make appointments to the Petersburg Arts Council.

**RECOMMENDATION:** Adopt resolution appointing members to the Petersburg Arts Council.

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. appointment to Arts Council 2024 Resolution

**A RESOLUTION APPOINTING \_\_\_\_\_ WITH  
A TERM ENDING SEPTEMBER 30, 2026, TO THE PETERSBURG  
ARTS COUNCIL.**

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**BE IT RESOLVED**, by the City Council of the City of Petersburg, that it hereby appoints \_\_\_\_\_, with a term ending September 30, 2026, to the Petersburg Arts Council.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Tangi Hill

**RE:** **Consideration of Appointment to the Community Development Block Grant (CDBG) Citizen Advisory Board - Pages 363-364**

**PURPOSE:** To make appointments to the Community Development Block Grant (CDBG) Advisory Board.

**REASON:** To make appointments to the Community Development Block Grant (CDBG) Advisory Board.

**RECOMMENDATION:** Adopt resolution appointing members to the CDBG Citizen Advisory Board.

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. appointment to CDBG 2024 Resolution

**A RESOLUTION APPOINTING \_\_\_\_\_ WITH  
A TERM ENDING SEPTEMBER 30, 2028, TO THE COMMUNITY  
DEVELOPMENT BLOCK GRANT CITIZEN ADVISORY BOARD.**

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**BE IT RESOLVED**, by the City Council of the City of Petersburg, that it hereby appoints \_\_\_\_\_, with a term ending September 30, 2028, to the Community Development Block Grant Citizen Advisory Board.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Tangi Hill

**RE:** **Consideration of Appointment to the Planning Commission - Pages 365-366**

---

**PURPOSE:** To make appointments to the Planning Commission.

**REASON:** To make appointments to the Planning Commission.

**RECOMMENDATION:** Adopt resolution appointing members to the Planning Commission.

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. appointment to Planning Commission 2024 Resolution

**A RESOLUTION APPOINTING \_\_\_\_\_ WITH  
A TERM ENDING SEPTEMBER 30, 2028, TO THE PETERSBURG  
PLANNING COMMISSION.**

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**BE IT RESOLVED**, by the City Council of the City of Petersburg, that it hereby appoints \_\_\_\_\_, with a term ending September 30, 2028, to the Petersburg Planning Commission.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:** March Altman, Jr., City Manager  
**FROM:** Tangi Hill  
**RE:** **Consideration of Appointment to the Petersburg Redevelopment Housing Authority - Pages 367-368**

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**PURPOSE:** To make appointments to the Petersburg Redevelopment Housing Authority.

**REASON:** To make appointments to the Petersburg Redevelopment Housing Authority.

**RECOMMENDATION:** Adopt resolution appointing members to the Petersburg Redevelopment Housing Authority.

**BACKGROUND:**

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. appointment to PRHA 2024 resolution

**A RESOLUTION APPOINTING \_\_\_\_\_ WITH  
A TERM ENDING SEPTEMBER 30, 2028, TO PETERSBURG  
REDEVELOPMENT HOUSING AUTHORITY**

**BE IT RESOLVED**, by the City Council of the City of Petersburg, that it hereby appoints \_\_\_\_\_, with a term ending September 30, 2028 to the Petersburg Development Housing Authority.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** November 19, 2024  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:** March Altman, Jr., City Manager  
**FROM:** Joanne Williams  
**RE:** **Presentation of the 2025 Legislative Agenda - Pages 369-375**

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**PURPOSE:** Approval is requested for the 2025 Petersburg Legislative Agenda and a Resolution Supporting Independent Governance for Richard Bland College.

**REASON:** Presentation of Legislative Agenda.

**RECOMMENDATION:** Presentation of 2025 Legislative Agenda.

**BACKGROUND:** See attached.

**COST TO CITY:**

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 11/19/2024

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 11 14 2024 DRAFT 2 Legislative Agenda
2. Richard Bland to Independent Governance Structure



# City of Petersburg

## Government Relations

135 N. Union Street Petersburg, Virginia 23803  
Joanne Williams jwilliams@petersburg-va.org  
(804) 347-3321

### **2025 LEGISLATIVE AGENDA**

#### OVERVIEW

Petersburg, located approximately 23 miles south of Richmond, is integral to the Richmond-Petersburg Metropolitan Statistical Area. Nestled at the Appomattox River's fall line and the intersection of two major north-south interstate highways, I-95 and I-85, Petersburg serves as a principal entry point for travelers entering Virginia from the south.

Despite facing a near financial collapse in 2016, the city has made significant strides toward recovery, now boasting an A+ bond rating. However, revenues are still insufficient to meet the demands of the city's high-poverty population, address poor health outcomes, improve underperforming K-12 education and workforce training, reduce unemployment, and upgrade the aging infrastructure. As a federally classified distressed city, Petersburg's socio-economic needs can only be met with long-term funding, an increase in the local tax base, and a commitment from Virginia and the federal government to assist Petersburg in addressing foundational issues.

The pharmaceutical companies in Petersburg (Novo Nordisk, CivicaRx, Phlow) are online and promise to bring good-paying jobs and sustainable growth. Additional pharmaceutical companies and supply chain industries are needed. Petersburg has begun construction on expanding and upgrading the Poor Creek water and wastewater systems and building a new water tank needed for the Pharmaceutical Campus, the regional hospital, and future growth in the City's Southeastern section, which contains 31% of Petersburg's land mass.

Petersburg's legislative agenda reflects its needs and its commitment to progress with the assistance of the Commonwealth and Federal Government.



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### **Poor Creek Water/Wastewater Area/Southeastern Area Infrastructure Upgrades**

Major economic development projects in the Poor Creek service area, including Phlow Corp., Novo Nordisk, and CivicaRx, depend on these infrastructure upgrades for the future success of the Petersburg Pharmaceutical Campus and related supply chain companies. The Poor Creek Service area (the Southeastern area of Petersburg) includes 31% of the City's land mass and nearly 1,500 acres of undeveloped land.

With support from the General Assembly and federal grants, Petersburg has secured funding for most Poor Creek Phase 1 upgrades. These upgrades will also support water and wastewater needs in the Route 460 area of Prince George County.

The upgrades underway exceed the financing secured by over \$10 million. This is due to the continued rising costs of labor and materials. Petersburg is requesting additional funding while construction is underway. If the additional funds are not received, completing this project could more than triple in the future.

**\$10,130,000.00**

### **Life Sciences Workforce Training Facility**

Central Virginia has emerged as a hub for advanced pharmaceutical manufacturing, focusing on reshoring the production of essential ingredients for safe and affordable drugs. However, ensuring the long-term sustainability of this industry in the Petersburg region and attracting future growth will require a committed and long-term effort to develop a workforce with the required expertise. No college or university in the region has the capacity, expertise, or facilities to meet the diverse demands of training the entire workforce. Instead of continuing to implement siloed training programs by several institutions, creating a centralized training facility will leverage shared resources and create a state-of-the-art advanced pharmaceutical manufacturing training facility in Petersburg, near the Pharmaceutical Campus. The training facility would give students an experiential and immersive learning experience in a simulated Good Manufacturing Practice (GMP). Students could access tailored programs, teaching them real-world and hands-on advanced pharmaceutical manufacturing skills.

In evaluating potential locations for the advanced pharmaceutical training facility, Petersburg is best suited for several reasons. It is home to one of the higher education institutions that will be a leader in the facility and has easy access to other colleges and universities in Central Virginia. Its location along the I-95 corridor connects Petersburg to advanced pharmaceutical manufacturing, taking place not just in Virginia but also in Maryland and North Carolina. Finally, the growing Pharmaceutical Campus in Petersburg will provide local internship



# City of Petersburg

## Government Relations

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and employment opportunities and partners with insight into the future evolution of pharmaceutical manufacturing, keeping students competitive in the workforce.

A proposal of this magnitude will require a public-private partnership with educational institutions, industry partners across the supply chain, and the City of Petersburg, state, and federal governments. The estimated cost today for phase one of the training facility is \$64 million, which includes land, design, construction, equipment, and curriculum development. As costs increase yearly, the complete build-out is expected to be near \$100,000,000 million.

**\$25,000,000.00**

### **Charter Change – City Treasurer**

Petersburg Code of Ordinances / PART 1- CHARTER / CHAPTER 3. – CITY OFFICERS GENERALLY  
Section 3-13. – Powers and duties of treasurer.

**Petersburg is requesting, by special act and charter change, that the following duties of the Petersburg Treasurer be transferred to the City Collector and Petersburg Finance Department.**

- Reconciliation of accounts and pre-audit services necessary to complete the City's Annual Consolidated Financial Report will be moved from the Treasurer to the City Collector.
- The City of Petersburg Finance Department will review bank statements and bank transactions for all City bank accounts.
- The City of Petersburg Finance Department will reconcile all information posted to the City's financial system's general ledger.
- The City of Petersburg Finance Department will provide documentation to support financial reconciliations and make the necessary corrections or adjustments to the general ledger that fall under the purview of the Finance Department.
- The City of Petersburg Finance Department will manage the general ledger correction and adjustment process, including providing direction and support to the Treasurer's Office and the City of Petersburg's Finance Department's Billing and Collections Division.
- The City of Petersburg Finance Department will be responsible for closing each month and the fiscal year in the financial system.
- The City of Petersburg Finance Department will collaborate with the Treasurer's Office to complete the pre-audit tasks provided by the external audit firm.
- The City of Petersburg's Chief Financial Officer will be the lead communicator with the external audit firm.



# City of Petersburg

## Government Relations

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### Oakhill Bridge Replacement

The bridge's closure is causing transportation issues for Petersburg residents and commuters. It connects Rt. 301 (Crater Road) to the Battlefield Park neighborhood, Vernon Johns Middle School, and Petersburg High School.

**\$4,000,000.00**

### JLARC Study on Distribution of 599 Funds

Petersburg has consistently ranked above the state average for homicide per 100,000, with the lowest in the 21st century occurring in 2004 when the rate was only twice that of the Virginia state average, and there has been a consistent increase in homicides per 100,000 since 2012 except for two years. Gun violence impacts the entire city and traumatizes children and adults.

Petersburg has one of the highest poverty rates and one of the highest single-parent household rates (63%) in the Commonwealth. These are contributors to high crime.

Although the Code of Virginia sets out a distribution formula for calculating the amounts for eligible localities, in recent years, the General Assembly has instead specified in the Appropriations Act that localities' allocations in a given fiscal year are to be based on a standard, across-the-board percentage increases or decreases from the previous fiscal year's allocations. The distribution formula has, in effect, been superseded during those years by the instructions in the Appropriations Act.

A revised formula for the distribution of 599 funding is needed. **Petersburg requests that the General Assembly approve funding for a JLARC study on the distribution of 599 funds, emphasizing a formula more equitable to distressed localities in Virginia with high crime and poverty.**

**RESOLUTION TO SUPPORT FOR RICHARD BLAND COLLEGE  
TO TRANSITION TO AN INDEPENDENT GOVERNANCE STRUCTURE**

**WHEREAS**, Richard Bland College was established in 1960 as one of five separate institutions overseen by the Board of Visitors of the Colleges of William and Mary;

**WHEREAS**, the Virginia General Assembly subsequently granted three of these institutions independent governing boards, leading to the creation of Old Dominion University, Virginia Commonwealth University, and Christopher Newport University as independent entities;

**WHEREAS**, as Virginia's only junior college, Richard Bland College has responded to General Assembly directives since 2014 to develop collaborative and innovative educational approaches, strengthening educational attainment, credentialing, and workforce development for Virginia citizens, thereby supporting the Commonwealth's economic growth;

**WHEREAS**, the 2022 General Assembly directed Richard Bland College to provide a roadmap for transitioning to an innovative educational model that would support high-demand jobs and key industries driving economic development in the Petersburg area, Virginia Gateway Region, and throughout the Commonwealth;

**WHEREAS**, on November 1, 2022, Richard Bland College submitted its report, *A Model for Higher Education Innovation*, which defined the College as a unique, hybrid model in Virginia and recommended the establishment of an independent Board of Visitors dedicated to overseeing its unique mission;

**WHEREAS**, the 2023 Special Session Budget Bill (Item 156, H.1-3) directed the Virginia Secretary of Education, in collaboration with the SCHEV Director, the Secretary of Finance, and other stakeholders, to evaluate educational attainment strategies, alternative delivery methods, and economic and community development initiatives for Richard Bland College, including a specific assessment of its governance model;

**WHEREAS**, the Secretary of Education submitted a final report on August 14, 2024, affirming the recommendation to establish a new, independent Board of Visitors for Richard Bland College;

**WHEREAS**, Richard Bland College is a vital contributor to the educational and economic well-being of the City of Petersburg and the surrounding region, offering accessible, high-quality education and building partnerships with local employers to meet high-demand job needs;

**WHEREAS**, the Petersburg City Council unanimously supported Richard Bland College's transition to independent governance on December 13, 2022, recognizing the positive impact that an independent governing structure could have on the College, the City of Petersburg, and the wider region;

**WHEREAS**, an independent governance structure would allow Richard Bland College to be more agile and responsive to the workforce needs of the City of Petersburg and support sustainable economic growth across Southside Virginia;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Petersburg, Virginia, reaffirms its strong support for Richard Bland College's transition to an independent governance structure and commits to advocating for this legislative change in partnership with state legislators, community stakeholders, and regional partners. The City of Petersburg recognizes and supports the essential role Richard Bland College plays in enhancing the educational, workforce, and economic development of the City of Petersburg and Southside Virginia.

Adopted this the \_\_\_ day of \_\_\_\_\_ 20\_\_.

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Mayor, Samuel Parham

ATTEST:

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Clerk of Council, Tangi R. Hill